

Uttar Pradesh Rural Housing Board Act, 1983

UTTAR PRADESH

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Act 27 of 1983

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Uttar Pradesh Rural Housing Board Act, 1983(U.P. Act No. 27 of 1983)Last Updated 5th March, 2020An Act to provide for the establishment, incorporation and functioning of a Housing and Development Board primarily for the rural areas in Uttar Pradesh.It is Hereby enacted in the Thirty-fourth Year of the Republic of India as follows: -

Chapter I Preliminary

1. Short title, extend and commencement.

(1)This Act may be called the Uttar Pradesh Rural Housing Board Act, 1983.(2)It extends to the whole of Uttar Pradesh, excluding areas and lands owned, requisitioned or taken on lease by the Central Government for the purpose of defence.(3)It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions..

- In this Act-(a)"Board" means the Uttar Pradesh Rural Housing Board established under section 3;(b)"Chairman" means the Chairman of the Board;(c)"Housing Scheme" means a housing scheme prepared in accordance with the provisions of this Act;(d)"land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;(e)"member" means a member of the Board and includes a Chairman;(f)"prescribed" means prescribed by rules;(g)"programme" means the annual housing programme prepared by the Board under section 25;(h)"rural area" means the area of a district excluding -(i)every city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959,(ii)every municipality as defined in the United Provinces Municipalities Act, 1916,(iii)every notified area as defined in the United Provinces Municipalities Act, 1916,(iv)every town area declared and defined under the United Provinces Town

Areas Act, 1914,(v)area declared as "development area" under section 3 of the Uttar Pradesh Urban Planning and Development Act, 1973,(vi)area covered by any housing or improvement scheme under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.(vii)area covered by any housing or improvement scheme under any other enactment;unless the State Government, after consultation with the competent authority under the aforesaid relevant enactment, declares any such area or part of the area for the purposes of this Act;(i)"Tribunal" means a tribunal constituted under section 40.

Chapter II

Establishment of the Board

3. Power to establish Rural Housing Board.

(1)With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established for the rural areas of the State, a Board by the name of the Uttar Pradesh Rural Housing Board.(2)The Board shall be a body corporate and for the purposes of this Act, and any other law for the time being in force including the Land Acquisition Act, 1894, it shall be deemed to be a local authority.

4. Composition of the Board.

(1)The Board shall consist of the following members, namely :-

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| (a) [one person to be nominated as Chairman by the StateGovernment;] [Substituted by section 2 of U.P. Act no. 17 of1997.] | - Chairman |
| (b) Three non-official persons to be nominated asmembers by the State Government; | - Member |
| (c) Adyaksh, Uttar Pradesh Avas Evam VikasParishad, ex-officio; | - Member |
| (d) Director, Central Building Research Institute,Roorkee (Saharanpur), ex-officio; | - Member |
| (e) Secretary, Finance Department, Government ofUttar Pradesh, ex-officio; | - Member |
| (f) Secretary, Planning Department, Government ofUttar Pradesh, ex-officio; | - Member |
| (g) Secretary, Institutional Finance Department,Government of Uttar Pradesh, ex-officio; | - Member |
| (h) Secretary, Harijan Sahayak and Social WelfareDepartment, Government of Uttar Pradesh, ex-officio; | - Member |
| (i) Principal, Government Arts College, Lucknow,ex-officio; | - Member |
| (j) Director, Building Organization, Ministry ofWorks and Housing, Government of India, ex-officio; - | - Member |
| (k) Chief Engineer, Rural Engineering Service,ex-officio; | - Member |
| (l) Senior Architect, Uttar Pradesh Avas Evam VikasParishad, ex-officio; - | - Member |
| (m) Advisor, Project Planning, Uttar PradeshDevelopment Systems Corporation Ltd., | - Member |

ex-officio; -

(n) Rural Housing Commissioner, Uttar Pradesh Housing Board, ex-officio; - Member
 (2) An officer referred to in clauses (e), (f), (g) and (h) of sub-section (1) may, instead of attending a meeting of the Board himself, depute an officer next junior to him available in his department to attend the meeting. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote. (3) The nomination of the members other than ex-officio members shall be notified in the Gazette. (4) A member of the Board, other than ex-officio, member, may at any time, resign his office by writing under his signature to the State Government, but the resignation shall not take effect until it is accepted.

5. Terms and conditions of membership.

(1) The term of every member, other than ex-officio member, shall be three years unless it is determined earlier by the State Government by a notified order. (2) The members of the Board may be paid such allowances as may be prescribed. (3) The allowances payable under this section shall be paid from the fund of the Board.

6. Power to fill temporary vacancy in the office of Chairman.

(1) When there is a temporary vacancy in the office of the Chairman, the State Government may appoint another person to act as Chairman during the period of such vacancy, and the person so appointed shall, for the purposes of this Act, be deemed to be the Chairman. (2) If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or on any other ground not resulting in the cessation of his membership, the State Government may appoint another person to officiate for him and carry out his function under this Act, or any rule or regulation made thereunder.

7. Disqualification for membership.

(1) A person shall be disqualified for being appointed or continuing as a member of the Board if he; (a) holds, except as provided in sections 5 and 6, any office of profit under the Board; (b) is of unsound mind; (c) is an undischarged insolvent; (d) has been convicted for an offence involving moral turpitude; (e) has directly or indirectly by himself or be any partner, employer or employee, any share or interest, whether pecuniary or of any other nature in any contract or employment with, by or on behalf of the Board; (f) is a director, secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board. (2) A person shall not be disqualified under clause (e) or clause (f) 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 - (a) any sale purchase, lease or exchange of immovable property or any agreement for the same; (b) any agreement for loan of money or any security for payment of money only; (c) any newspaper in which any advertisement relating to the affairs of the Board is published; (d) the occasional sale to the Board, up to a value not exceeding

ten thousand rupees in any one year, of any article in which he or the company regularly trades. Explanation. - A person shall not be deemed to have any share or interest in any contract or employment with, by or on behalf of, the Board by reason only of his being a shareholder of a company which has such share or interest.

8. Disqualification from participating in Board's proceedings.

(1) A member of the Board or of a committee appointed by the Board who - (a) has any share or interest of the nature described in clause (e) or clause (f) of sub-section (1) of section 7 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, notwithstanding anything contained in sub-section (2) of section 7, vote or take part in any proceeding of the Board or of its committee relating to such matter. (2) If any member of the Board or of its committee has directly or indirectly any interest in any land situated in any area comprised in any of the schemes framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act, he shall not take part in any meeting of the Board or its committee in which any matter relating to such land is considered.

9. Certain acts not to be invalid.

- Any disqualification of or defect in the appointment of any person as a member of the Board or any vacancy or defect in the constitution of the Board, shall not vitiate or invalidate any act or proceeding of the Board if such act or proceeding is otherwise in accordance with the provisions of this Act.

10. Rural Housing Commissioner.

(1) There shall be a Rural Housing Commissioner appointed by the State Government for the purposes of this Act. (2) The conditions of service of the Rural Housing Commissioner shall be such as may be prescribed. He shall be remunerated from the fund of the Board.

11. Officers and servants of Board.

(1) Subject to such control and restriction as may from time to time be imposed by the State Government, by special or general orders, the Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions. (2) The terms and conditions of service of the officers and servants appointed under sub-section (1) shall be such as may be prescribed. (3) The Board may, with the previous approval of the State Government, appoint a servant of the Central or State Government or of a local authority on any of the posts under it on such term and conditions as may be agreed upon.

12. Control over Board's employees.

- Subject to the provisions of this Act and the rules made thereunder, the Rural Housing Commissioner shall exercise supervision and control over all the officers and servants of the Board.

13. Delegation of powers.

(1) Subject to the provisions of this Act and the rules, the Board may by general or special order delegate, either unconditionally or subject to such conditions, including the conditions of review by itself, as may be specified in the order to any committee appointed by it or to the Rural Housing Commissioner or to any other officer of the Board such of its powers and duties under this Act, as it may deem necessary. (2) Subject to the provisions of this Act and the rules, the Rural Housing Commissioner may by general or special order delegate, either unconditionally or subject to such conditions, including the condition of review by himself, as may be specified in the order, to any officer of the Board such of his powers and duties under this Act, not being powers and duties delegated to him under sub-section (1), as he may deem necessary.

Chapter III

Housing Scheme

14. Framing of Housing Scheme.

(1) Whenever the Board is of opinion that it is necessary or expedient to meet the need for housing accommodation in any area, the Board may frame a housing scheme. (2) Such scheme shall specify the lay-out of the area where the houses are to be constructed and may provide for the building of houses by the Board and by others. (3) The Board may lease out or sell, including sale on hire-purchase basis, any house so built by the Board. (4) The Board may provide in the area roads, streets, drainage, water-supply, street lighting, community buildings and other amenities.

15. Inclusion of areas other than rural areas in the scheme.

- If the Board, while framing a housing scheme in respect of a rural area, considers it necessary for the purpose of construction of houses under the scheme to include, in the scheme, an area which is contiguous to such rural area but which is not a rural area, notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may, after consultation with the competent authority within whose jurisdiction such land lies, declare such land to be rural area for the purposes of this Act and, and such declaration, it shall be lawful for the Board to include such area in the scheme.

16. Matters to be provided in the Housing scheme.

- Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely -(a) acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme; (b) laying out or relaying out of any land comprised in the schemes; (c) distribution or redistribution of sites belonging to owners of property comprised in the scheme; (d) clearance or demolition of dwellings or portions of dwellings unfit for human habitation; (e) demolition of buildings or portions of buildings causing obstruction in the proposed layout; (f) construction and re-construction of buildings; (g) sale (including sale on hire purchase basis), letting or exchange of any property comprised in the scheme; (h) construction or alteration of roads, streets, lanes, bridges, culverts and cause-ways; (i) drainage, water supply or lighting of the area included in the scheme; (j) shops, schools, parks, playing grounds and open spaces for the benefit of any area comprised in the scheme or any adjoining area, and the enlargement of existing parks, playing grounds, open spaces and approaches; (k) sanitary arrangements required for the area comprised in the scheme, including the conservation and prevention of any injury or contamination of rivers or other sources and means of water supply; (l) accommodation for members of scheduled castes, scheduled tribes, socially and educationally backward classes of people, agricultural labourers, economically weaker sections of the people and any other class of inhabitants; (m) advance of loans for the purposes of the scheme; (n) facilities for communication and transport; (o) collection of such information and statistics as may be necessary for the purposes of this Act; (p) any other matter which may be prescribed.

17. Restrictions on the Housing Schemes.

(1) Subject to the provisions of section 15 no housing scheme shall be made under this Act for any area for which a housing or an improvement scheme has been sanctioned by the State Government under any enactment for the time being in force nor shall any such housing scheme contain anything which is inconsistent with any of the matters included in a town planning scheme sanctioned by the State Government. (2) If any dispute arises whether a housing scheme made under this Act includes any area included in housing or an improvement scheme or contains anything inconsistent with any matter included in a town planning scheme referred to in sub-section (1), the decision of State Government shall be final.

18. Notice of Housing schemes.

(1) When any housing scheme has been framed, the Board shall prepare a notice to that effect specifying-(a) the boundaries of the area comprised in the scheme; (b) the dates, hours and place or places at which a map of the area particulars of the scheme, and details of the land proposed to be acquired may be seen; and (c) the date by which objections to the scheme may be made. (2) The Board shall-(a) cause the said notice to be published weekly for three consecutive weeks in (i) the Gazette and (ii) two daily newspapers, having circulation in the area comprised in the scheme at least one of which shall be a Hindi newspaper; and (b) send a copy of the notice to the local authority or authorities within whose jurisdiction the area comprised in the scheme lies. (3) The Rural Housing

Commissioner shall cause copy of any document referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of such fee as may be provided by regulations.

19. Notice of proposed acquisition.

- Within six weeks from the date on which any notice is first published under section 18 in respect of any housing scheme, the Board shall serve a notice in such form, on such persons or classes of persons and in such manner as may be prescribed, stating that the Board proposes to acquire any specified land or building for the execution of the scheme.

20. Objections.

(1)Any local authority to whom a copy of the notice has been sent under clause (b) of sub-section (2) of section 18 may, within sixty days from the receipt of the copy of the notice, file any objection against the scheme.(2)Any person on whom a notice under section 19 has been served may, within thirty days from the service of the notice, or within such further time as the Board may, for sufficient cause, allow, make an objection in writing to the Board against the scheme or the proposed acquisition.(3)Any other person may file an objection against the scheme within the time specified in the notice under section 18.

21. Abandonment, modification or sanction of scheme.

(1)After considering the objections, if any, received in pursuance of the foregoing provisions and after giving an opportunity of being heard to the objectors, the Board may, so far as may be, within six months from the date of receipt of the last such objection, either abandon the scheme, or submit it to the State Government for sanction with such modifications, if any, as the Board may suggest.(2)The State Government may sanction with or without modifications, or refuse to sanction, or return for re-consideration, any scheme 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 18-(a)if the modification affects the boundaries of the area comprised in the scheme or involves acquisition of any land or building not previously proposed to be acquired; or(b)if the modification is, in the opinion of the Board, of sufficient importance to require republication;and, on such republication, the procedure prescribed in section 19 and section 20 shall, so far as may be applicable, be followed as if the republication were an original publication under section 18.

22. Commencement of scheme.

(1)Whenever the State Government sanctions a housing scheme, it shall be notified in Gazette.(2)The notification, under sub-section (1), in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.(3)The scheme shall come into force on the date of the notification under sub-section (1).

23. Alteration of scheme.

(1) At any time after a housing scheme has come into force and before it is fully executed, the Board may for reasons to be recorded alter or cancel it: Provided that—(a) before making any alteration in a housing scheme which involves acquisition, otherwise than by agreement, of any land or building not proposed to be acquired in the original scheme, the Board shall serve a notice, in such form, on such persons or classes of persons and in such manner, as may be prescribed, of the proposed alteration, and consider the objection, if any, received in pursuance of the notice within thirty days from the service of the notice or within such further time as the Board may, for sufficient cause, allow, and give an opportunity of being heard to the objectors; (b) no scheme shall be altered or cancelled without the previous sanction of the State Government. (2) Any alteration or cancellation of a scheme under sub-section (1) shall be notified in the Gazette and have effect from the date of such notification, so, however, that any such modification shall be without prejudice to the validity of anything previously done under the original scheme.

24. Restriction on building in area proposed for or comprised in a scheme.

(1) Where a notice has been published under section 18 in respect of a housing scheme, no person shall, until the scheme is abandoned, or sanctioned, and if the scheme has come into force, during a period of two years from the date of its commencement, erect, re-erect, add to, or alter any building or otherwise develop any land in the area comprised in the scheme except in accordance with the scheme and subject to such restrictions and conditions as the Rural Housing Commissioner may, upon an application for permission in this behalf, by order impose. (2) A person aggrieved by an order of the Rural Housing Commissioner, refusing permission or imposing restrictions or conditions under sub-section (1), may, within such time as may be prescribed, appeal to the Board whose decision thereon shall be final.

25. Annual budget and housing programme.

(1) Before the first day of December in each year, the Board shall prepare and forward to the State Government in such form as may be prescribed—(i) a programme; (ii) a budget for the next year. (2) The programme shall contain—(a) such particulars of housing scheme which the Board proposes to execute whether in part or whole during the next year as may be prescribed; (b) the particulars of any undertaking which the Board proposes to organize or execute during the next year for the purpose of the production of building materials; and (c) such other particulars as may be prescribed. (3) The budget shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year.

26. Sanctioning of the programme and budget.

- The State Government may sanction the programme and the budget forwards to it with such modifications as it deems fit. The programme and the budget so sanctioned shall be laid before both the Houses of the State Legislature as soon as may be after they are sanctioned.

27. Supplementary programme and budget.

- The Board may, at any time, during the year, in respect of which a programme has been sanctioned under section 26, submit a supplementary programme and budget to the State Government and the provisions of section 25 shall apply to such supplementary programme and budget.

28. Variation of programme.

- The Board may at any time vary any programme or any part thereof sanctioned by the State Government: Provided that no such variation as affects the scope or purpose of any housing scheme included in such programme shall be made without the previous sanction of the State Government and the provisions of section 26 shall mutatis mutandis apply to such variation.

29. Execution of the Housing Scheme.

(1) After the programme has been sanctioned by the State Government under section 26, the Board shall, subject to the provisions of section 28, proceed to execute the housing scheme included in the programme. (2) The Board may execute any of the matters provided in a housing scheme through any independent agency. (3) Nothing in sub-section (1) and sub-section (2) shall be construed to prohibit the Board from employing any agency of the State Government or of a local authority with the consent of that Government or authority, as the case may be, in the execution of any, housing scheme.

30. Vesting of Gaon Sabha land in the Board.

(1) Notwithstanding anything contained in the U.P. Zamindari Abolition and Land Reforms Act, 1950 or in any other law for the time being in force, where any street, square or other land or part thereof belonging to or vested in a Gaon Sabha or other local authority is situated within the area included in any housing scheme sanctioned by the State Government and is required for the purposes of such scheme, the Board shall give notice to such Gaon Sabha or local authority, as the case may be, that the same is required for the purpose of the scheme. (2) If the Gaon Sabha or the local authority concurs, such street, square or other land or part thereof shall vest in the Board with effect from the date of such concurrence. (3) If the Gaon Sabha or the local authority does not concur, the dispute shall be referred to the State Government and the decision of the State Government shall be final. (4) Nothing in this Section shall affect the rights or powers of the Gaon Sabha or other local authority over any drain or water-works in such street square or land.

31. Compensation when payable.

(1) Where any land vests in the Board under section 30 and the Board makes a declaration that such land shall be retained by the Board until it re-vests in the Gaon Sabha or the local authority concerned as part of a street or an open space under section 34, no compensation shall be payable by the Board in respect of such land. (2) Where any land vests in the Board under section 30 and no

declaration is made under sub-section (1) in respect of the land, the Board shall pay to the Gaon Sabha or the local authority concerned a sum equal to the market value of the land as compensation.(3)Where the Board has made a declaration in respect of any land under sub-section (1) and the Board detains or disposes of the land contrary to the terms of the declaration so that the land does not re-vest in the Gaon Sabha or other local authority, the Board shall pay compensation in accordance with the provisions of sub-section (2).

32. 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 vested in it or any part thereof.(2)Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it or any part thereof, it shall, as far as practicable, provide some other reasonable means of access in lieu 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 closure.(3)When any public street or any part thereof, vested in the Board, is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required by it.

33. Reference of certain disputes to the tribunal.

- If there is any dispute as to whether any compensation is payable under section 31 or section 32 or as to the amount of compensation payable under the said sections, the matter shall be referred to the Tribunal and its decision shall be final.

34. Vesting of certain streets and open space in Gaon Sabha.

(1)Whenever the State Government is satisfied -(a)that any street laid out or altered by the Board has been duly leveled, paved, metal led, flagged, channeled, severed and drained in the manner provided in the scheme sanctioned by the State Government under section 21; and(b)that such lamps, lamp-posts and other apparatus as the Gaon Sabha considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided; and(c)that water and other sanitary conveniences have been duly provided in such street;the State Government may declare the street to be a public street, and the street shall there upon vest in the Goan Sabha and shall thereupon be maintained, kept in repair, lighted and cleaned by such Gaon Sabha.(2)When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, it shall, on completion, be transferred to the Gaon Sabha concerned by resolution of the Board, and shall thereupon vest in and be maintained at the expense of such Gaon Sabha.(3)If any dispute arises between the Board and the Gaon Sabha in respect of any matter referred to in this section, the matter shall be referred to the State Government whose decision shall be final.

35. Other duties of the Board.

- It shall be the duty of the Board to take measures with a view to expediting and cheapening construction of buildings, and the Board may for that purpose do all things for -(a)unification, simplification and standardization of building materials;(b)encouraging pre-fabrication and mass production of house components;(c)organizing or undertaking the production of building materials required for the housing schemes;(d)encouraging research for discovering cheap building materials and evolving new methods of economic construction;(e)securing a steady and sufficient supply of workmen trained in the work of construction of buildings;(f)doing all such other acts and things as may be necessary for the discharge of the duties before mentioned.

36. Reconstitution of plots.

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

Chapter IV

Acquisition and Disposal of Land

37. Powers 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 owner of any such right in respect of any deprivation thereof or interference therewith.(2)Any land or any interest therein required by the Board for any of the purposes of this Act may also be acquired under the provisions of the Land Acquisition Act, 1894 as amended in its application to Uttar Pradesh.

38. Power to dispose of land etc.

- Subject to any rules made by the State Government under this Act, the Board may retain lease, sell exchange or otherwise dispose of, any land, building or other property vesting in it and situate in the area comprised in any housing scheme sanctioned under this Act.

39. Dispute regarding reconstitution of plots.

(1)Where as a result of the execution of any housing scheme, any plot is re-constituted or any person is dispossessed from any land, any person affected by such re-constitution or dispossessed may

apply to the Board, in the manner prescribed, for compensation.(2)The Board may after making such inquiry as it thinks fit, determine the amount of compensation, if any, payable to the applicant.(3)If the applicant is dissatisfied with the decision of the Board under sub-section (2), he may prefer an appeal to the Tribunal in such manner as may be prescribed.(4)The Board shall pay the amount of compensation determined under sub-section (2) or sub-section (3), as the case may be, to the person found entitled thereto.

Chapter V

Tribunal

40. Constitution of the Tribunal.

(1)The District Judge of each district shall constitute the Tribunal for the purpose of this Act.(2)The Tribunal shall follow such procedure as may be prescribed.(3)Every order of the Tribunal for payment of any amount or for the delivery of possession over any immovable property or for the removal of any structure from such property shall be deemed to be a decree of the civil court and shall be executable as such.(4)The proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.(5)The member of the Tribunal shall be entitled to such remuneration as may be prescribed.

41. Duties of the Tribunal.

- The Tribunal shall decide all questions relating to the compensation payable under sections 31 and 32 and all appeals preferred under section 39 and the decision of the Tribunal shall be final.

42. Powers of the Tribunal.

- The Tribunal shall for the purposes of holding any enquiry or hearing any appeal under this Ordinance, have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters namely -(a)summoning and enforcing the attendance of any person and examining him on oath;(b)receiving evidence on affidavits;(c)inspecting a building or its locality, or issuing commissions for the examination of witnesses or documents or local investigation;(d)requiring the discovery and production of documents;(e)recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith;(f)any other matter which may be prescribed.

Chapter VI

Finance, Accounts and Audit

43. Financial Provisions.

(1)The Board shall have its own fund which shall be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Board.(2)The Board's fund shall be kept in the State Bank of India or, with the previous sanction of the State Government, in the Uttar Pradesh Co-operative Bank or in a scheduled bank :Provided that nothing in this sub-section shall be deemed to preclude the Board from retaining such balance in cash as may be necessary for current payments or from investing any portion of the fund not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882.(3)Subject to such conditions and limitations as may be prescribed the Board may from time to time raise loans or enter into financial arrangements for the purposes of this Act.(4)Subject to such conditions and limitations as may be prescribed, the Board may grant loans and advances, on such terms and conditions as it may determine, to any other local authority, any co-operative society, or to any other person for the construction of houses.

44. Debentures.

(1)The Board may, from time to time, with the previous sanction of the State Government, issue debentures for such amounts and on such terms and conditions as may be prescribed.(2)The State Government may guarantee, in such manner as it thinks fit, the payment of the principal and interest, or of either the principal or the interest, of any debentures issued under sub-section (1):Provided that the State Government shall, so long as any such guarantees are in force, lay before both Houses of the State Legislature in every year during the budget session, a statement of the guarantees, if any, given during the current financial year, and an up-to-date account of the total sums, if any, which have been paid out of State revenues by reason of any such guarantees or paid into State revenues towards repayment of any money so paid out.(3)Debentures issued by the Board under this section shall be issued transferred, dealt with and redeemed in such manner as may be prescribed.

45. Repayment of loans.

(1)The Board shall, for the purpose of repayment of any loan raised by it, establish a sinking fund in such manner as may be prescribed.(2)Every such sinking fund shall be maintained, invested and applied in such manner as may be prescribed.(3)The Board may, and if so directed by the State Government shall, create a trust in the prescribed manner for investment of a sinking fund and for repayment of the loans for which such fund was established.

46. Grants and loans by Government.

- The State Government may, from time to time, make grants or advance loans to the Board for the purpose of this Act on such terms and conditions as the State Government may determine.

47. Revolving Fund.

(1)It shall be lawful for the Board to create a Revolving Fund into which shall be credited all proceeds which may be received by or on behalf of the Board in respect of sales on instalment basis of any building or any unit therein constructed or reconstructed by the Board under a housing scheme.(2)The Revolving Fund shall be held and applied solely for the purposes of construction or reconstruction of buildings under a housing scheme.

48. Accounts and Audit.

(1)The Rural Housing Commissioner shall lay before the Board, at a special meeting to be held before the commencement of a financial year, a budget of the Board for that year.(2)Every such budget shall be prepared in such form as may be prescribed and shall make provision for -(i)the housing and improvement schemes which the Board proposes to execute whether in part or whole during that year;(ii)the due fulfilment of all the liabilities of the Board; and(iii)the efficient administration of this Act;and shall contain a statement showing the estimated receipts and expenditures on capital and revenue accounts for that year, and such other particulars as may be prescribed.(3)The Board shall after considering the budget sanction it with or without modifications and submit the same to the State Government for approval.(4)The State Government may either approve the budget as sanctioned by the Board, or return it to the Board for such modifications as the State Government may direct.(5)Where a budget is so returned, the Board shall forthwith make such modifications and submit the budget as so modified to the State Government, which may then approve it.(6)The Rural Housing Commissioner may, at any time during the financial year for which a budget has been approved by the State Government, lay before the Board a supplementary budget and the foregoing provisions of this section shall mutatis mutandis apply to such supplementary budget.(7)The Board shall maintain the accounts and prepare the balance sheet in such form and manner as may be prescribed.(8)The accounts of the Board shall be audited by such auditor in such manner and such times as may be prescribed, and the auditor so appointed shall have such powers of requiring the production of documents and the furnishing of information respecting such matters, and such powers in respect of disallowance and surcharge against the Chairman, the Rural Housing Commissioner and members, officers and servants of the Board for any loss, waste or misappropriation of the fund or property of the Board through neglect or misconduct on their part, and shall follow such procedure in respect of surcharge and recovery of the amount surcharged, and in respect of disallowance and surcharge be subject to such appeal and in such manner, as may be prescribed.(9)The accounts of the Board, as certified by the auditor, together with the audit report thereon, shall be forwarded annually to the State Government who may issue such instructions to the Board in respect thereof as it may deem fit, and the Board shall comply with such instructions.(10)The State Government shall -(a)cause the accounts of the Board, together with the audit report thereon, receive by it under sub-section (9) to be laid annually before each House of the State Legislature ; and(b)cause the accounts of the Board to be published in the prescribed manner and make available copies thereof for sale at a reasonable price.

Chapter VII

Contracts

49. Power to make contracts.

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

50. Execution of contracts.

(1) Every contract or assurance of property on behalf of the Board shall be in writing and be executed by such authority and in such manner and form as may be prescribed: Provided that no contract involving an expenditure of rupees twenty-five thousand or more shall be made without the previous sanction of the Board. (2) 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) Notwithstanding anything contained in the Registration Act, 1908, it shall not be necessary for the Rural Housing Commissioner or any officer of the Board, authorized to execute on behalf of the Board any agreement or other instrument, to appear in person or by agent at any registration office in any proceedings connected with the registration of any such agreement or instrument or to sign as provided in section 58 of that Act: Provided that the registering officer to whom such instrument is presented may, if he thinks fit, refer to the Rural Housing Commissioner or such officer for information respecting the same and shall, on being satisfied of the execution thereof, register the instrument.

51. Delegation of power in regard to contracts.

- Subject to any rules which the State Government may make in this behalf, the Board may by order direct that the power conferred under section 50 shall be exercised by the Rural Housing Commissioner or any other officer specified by the Board.

52. Further provisions as to execution of contracts.

- A contract or assurance of property not executed as provided in this chapter and the rules made there under shall not be binding on the Board.

Chapter VIII

Offences and Penalties

53. Penalty for obstructing contractor or removing marks.

- If any person -(a) obstruct or molests any person with whom the Board has entered into a contract,

in the performance by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this ordinance or any rule or regulation ; or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rule or regulation, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

54. Penalty for acquiring share or interest in contract, etc. with the Board..

- If the Chairman or any member of the Board acquires, directly or indirectly, by himself or by any partner, employer or employee, any share or interest whether pecuniary or of any other nature, in any contract or employment with, by or on behalf of the Board, not being a share or interest which does not disqualify for being chosen or continuing as Chairman or member; or If any officer or servant of the board acquires, directly or indirectly, by himself or by any partner, employer or employee, any share or interest, whether pecuniary or of any other nature, other than a share or interest mentioned in clause (a) or clause (b) of sub-section (2) of section 7, in any contract, or, except in so far as concerns his employment as such officer or servant, in any employment with, by or on behalf of the Board.

55. Penalty in other cases.

- If any person contravenes any provision of this Act or of any rule or regulation made there under, he shall, if no other penalty is provided for such contravention, be punishable with fine which may extend to five hundred rupees and in case of continuing breach, with further fine which may extend to twenty-five rupees for each day during which the breach continues after the first convictions.

56. Offender's liability to pay compensation.

(1) When any person is convicted of any offence under this Act, the Court convicting such person may, on application made in this behalf by the Board, 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 in respect of which he is convicted. (2) The court shall consider any cause shown by such person and, after making such inquiry as it may deem fit, may direct that such compensation, not exceeding one thousand rupees as it may determine, be paid to the Board. (3) The amount of compensation directed to be paid under sub-section (2) shall be recoverable as fine.

57. Offences by companies.

(1) If the person committing an offence punishable under the Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly; Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the

offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of any managing agent, secretary and treasurer, director, manager, secretary or other officer of the company, such managing agent, secretary and treasurer, director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purposes of this section-(a)'Company' means a body corporate and includes a firm or other association of individuals, and(b)'Director' in relation to a firm, means a partner in the firm.

58. Procedure.

(1)No court shall take cognizance of any offence punishable under this Act except on the complaint of or upon information received from, the Board or an officer of the Board duly authorized in this behalf, within six months next after the commission of the offence.(2)No court inferior to that of a magistrate of the First Class shall try any offence punishable under this Act.

59. Duty of police officers.

- It shall be the duty of every police officer-(a)to co-operate with the Rural Housing Commissioner for carrying into effect and enforcing the provisions of this Act and the rule;(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 the provisions of this Act or any rule; and(c)to assist the Rural Housing Commissioner or any officer or servant of the Board requiring his aid for the lawful exercise of any power vesting in the Rural Housing Commissioner or any such officer or servant under this Act or any rule.

60. Compounding of offences.

(1)Any offence punishable under this Act may either before or after the institution of the prosecution be compounded by the Rural Housing Commissioner or by any officer authorized in this behalf by the Rural Housing Commissioner by a general or special order, on such terms as the Rural Housing Commissioner or other officer, as the case may be, thinks fit.(2)Where an offence has been compounded, the offender, if in custody, shall be discharged or acquitted, as the case may be, and no further proceedings shall be taken against him in respect of the offence compounded.

Chapter IX

Miscellaneous

61. Applicability of certain provision of Uttar Pradesh Act 1 of 1966.

- The provisions of sections 83 to 93 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam,

1965 shall mutatis mutandis apply to the Board constituted under this Act and to its members, officers and servants as they apply to the Avas Evam Vikas Parishad constituted under the first mentioned acts and to its members, officers and servants.

62. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the allowances, if any payable to the members of the Board;(b)the conditions of service or the Rural Housing Commissioner;(c)the manner of maintenance of accounts of income and expenditure of the Board;(d)the exercise of supervision and control by the Rural Housing Commissioner over officers and servants of the Board;(e)the delegation of powers by the Board under sub-section (1) or by the Rural Housing Commissioner under sub-section (2) of section 13;(f)the matters to be provided for in a housing scheme;(g)the procedure to be followed by the Tribunal in proceedings before them;(h)the conditions and limitations subject to which the Board may acquire and dispose of land by agreement;(i)any matter for which regulation may be made by the Board under section 63.

63. Power to make regulations.

(1)The Board may, by notification in the Gazette, make regulations providing for-(a)the appointment, constitution and procedure of committees;(b)the time and place of, and the manner of convening the meetings of the Board and its committees;(c)the duties of officers and servants of the Board;(d)the conditions of service of officers and servants of the Board;(e)the preparation of plans and estimates for work;(f)the preparation of budgets and estimates;(g)the authority on which moneys may be paid from the Board's fund;(h)the manner of publication of public notices;(i)the stamping of facsimile of signatures of the Rural Housing Commissioner and officers of the Board on notices, bills and other documents;(j)the fees payable for copies of documents, estimates and plans issued by the Board;(k)the management, used and allotment of buildings constructed under any housing or improvement scheme;(l)any other matter which is to be or may be provided for by regulation under this Act or the rules.(2)If any regulations is repugnant to any rule made under the Act then the rule whether made before or after the regulation shall prevail and the regulation shall to the extent of the repugnancy be void.

64. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, by reason of anything contained in this Act, or any other enactment for the time being in force, the State Government may, as occasion requires, by order direct that this Act shall during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient.(2)Any order made under sub-section (1) may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.(3)No order shall be made under sub-section (1) in relation to any area after the expiry of three years from the date of commencement of this Act.(4)An order made under sub-section (1) shall be laid, as soon

as may be, before both the House of State Legislature.(5)No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

65. Repeal and savings.

- The operation of section 162 to 171 of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, and of the Uttar Pradesh Slum Areas (Improvement and Clearance) Act, 1962, the Uttar Pradesh (Regulation of Building Operation) Act, 1958, Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 (except in relation to those housing or Improvement schemes) which have either been notified under section 32 of Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 before the declaration of any scheme under this Act or which having been notified under section 28 of this said Adhiniyam before the said declaration are thereafter approved by the State Government for continuance under the said Adhiniyam or which are initiated after such declaration with the approval of the State Government and Uttar Pradesh Urban Planning and Development Act, 1973 shall remain suspended in respect of any area in which any scheme under this Act in force and the provisions of section 6 of the Uttar Pradesh General Clauses Act, 1904 shall apply in relation to such suspension as if the suspension amounted to repeal of the said enactment by this Act.

66. Amendment of section 3 of U.P. Act no. 23 of 1955.

- In the Uttar Pradesh Industrial Housing Act, 1955, in section 3 -(a)in sub-section (1) after the words "Uttar Pradesh Avas and Vikas Parishad" the words "established under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 or Uttar Pradesh Rural Housing Board established under the Uttar Pradesh Rural Housing Board Act, 1983" shall be inserted;(b)in sub-section (3), after the words "Uttar Pradesh Avas Evam Vikas Adhiniyam 1965", the words "or the Uttar Pradesh Rural Housing Board Act, 1983" shall be inserted.

67. Repeal and Savings.

(1)The Uttar Pradesh Rural Housing Board Ordinance, 1983, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.