

Arunachal Pradesh Housing Board Act, 2014

ARUNACHAL PRADESH

India

Arunachal Pradesh Housing Board Act, 2014

Act 14 of 2014

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Arunachal Pradesh Housing Board Act, 2014(Act No. 14 of 2014)Last Updated 18th February, 2020(Received the assent of the Governor on 10th October, 2014 and published in the Arunachal Pradesh E.O. Gazette No 196, Vol. XXI dated 29th October, 2014)An Act to provide for the Constitution and Regulation of Housing Board for Arunachal Pradesh; for the purpose of taking measures to deal with the need for housing accommodation and for further amendment of law relating to eviction of persons in unauthorized occupation and for the further amendment of law relating to acquisition of land and for matters connected therewith.Be it enacted by the Legislature of Arunachal Pradesh in the Sixty-fifth Year of the Republic of India as follows: -Chapter - I Preliminary

1. Short title, Extent and commencement.

(1)This Act may be called the Arunachal Pradesh State Housing Board Act, 2014.(2)It extends to the whole of the State of Arunachal Pradesh.(3)It shall come into force on such date or dates as may be notified by the State Government.

2. Definition.

- In this Act, unless the context otherwise requires, -(a)"adjoining area" means such area as may be specified to be an adjoining area under section 17 ;(b)"Board" means the Arunachal Pradesh, State Housing Board established and constituted under section 3 ;(c)"Board premises" means any premises belonging to or vesting in the Board or taken on lease by the Board or entrusted to or in possession or under the control of the Board under this Act;(d)"Building materials" means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Act;(e)"bye-laws" means bye-laws made under section 77;(f)"Chairman" means the Chairman of the Board ;(g)"Competent authority" means any person authorised by the State Government, by notification, to perform the functions of the competent authority under Chapter VI for such area as may be specified in the notification;(h)"Housing

scheme" means a housing scheme made under this Act, the rules and regulations made thereunder;(i)"Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;(j)"local authority" means a Municipality constituted under the Arunachal Pradesh Municipal Act, 2007 or Gram Panchayat constituted under the Arunachal Pradesh Gram Panchayat Act, 2000;(k)"Member" means a member of the Board including the Chairman;(l)"Premises" means any land or building or part of a building and includes: - (i) Gardens, grounds and out-houses, if any, appurtenant to such building, any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof; (ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof; (m) "prescribed" means prescribed by rules under this Act; (n) "regulations" means regulations made under section 76; (o) "rent" means the amount payable to the Board in respect of the occupation of the Board's premises and includes the charges for water and electricity payable in respect of water and electricity used or consumed in the premises; (p) "Secretary" means the Secretary of the Board; (q) "Tribunal" means the Tribunal specified under section 44; and (r) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

Chapter - II Establishment of The Board

3. Establishment of the Board.

(1) The State Government may, by notification establish a Board to be known as "the Arunachal Pradesh State Housing Board". (2) The Board shall, by the name aforesaid, be a body corporate having perpetual succession and a common seal with power subject to the provisions of this Act, or the rules made, thereunder, shall have the power to acquire, hold and dispose of property, both movable and immovable, and to enter into contract and may by the said name sue or be sued and do all such things as are necessary for which it is constituted. (3) For the purposes of this Act and the Land Acquisition Act, 1894, the Board shall be deemed to be a local authority.

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

4. Constitution of the Board.

(1) The Board shall consist of a Chairman, a Vice-Chairman and such other members not more than twelve and not less than six as the State Government may, from time to time, by notification, appoint: Provided that the Chairman and the Vice-Chairman shall be appointed from amongst the officers of the rank of Head of the Department or Chief Secretary and Development Commissioner of the State Government respectively. The Chairman, Vice-Chairman and all other official Members shall be Ex-officio. (2) The Government may, by notification, remove from office, the Chairman, Vice-Chairman and non-official members. (i) Official Members The following will be the members, namely;

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|------------------------|--------------------|
| (a) Secretary, Housing | - Member Secretary |
| (b) Secretary, Finance | - Member |

- (c) Secretary, Rural Development - Member
- (d) Secretary, Land Management - Member
- (e) Director, Town Planning - Member
- (f) Director, Housing - Member
- (g) Director, UD - Member

(ii) Non-Official Members (a) Three Non-Official Members to be appointed by the State Government where one of the members to be from Housing and Urban Development Corporation (HUDCO) or a representative from the ministry of Housing and Urban Poverty Alleviation, Government of India, New Delhi. (b) Until the Board is established and constituted in accordance with the provisions of the preceding sub-sections, the State Government may constitute a Board consisting of one person, who shall be an officer of the State Government, to be appointed by the State Government, and a Board so constituted shall, as from the commencement of this Bill and for a period not exceeding one year from such commencement, be deemed to be the Board established and constituted for the purpose of carrying out all the provisions of this Act.

5. Terms of office and conditions of service.

(1) The Chairman, Vice-Chairman and every non-official member shall hold office for a period of three years from the date of his/her appointment but shall be eligible for re-appointment as such Chairman, Vice-Chairman or member. (2) The Chairman, Vice-Chairman and the non-official members will receive travelling allowances and daily allowances and each member will receive a sitting fee @ Rs. 500 per sitting for attending meetings. (3) The honorarium to the members shall be paid from the fund of the Board and such honorarium and other conditions of service shall be such as may be prescribed.

6. Resignation of Chairman and Members.

(1) The Chairman, Vice-chairman or any other member/non-official member may at any time resign his/her office by tendering his/her resignation to the State Government but shall continue to remain in office until his/her resignation is accepted. (2) A person shall be disqualified for being appointed or for continuing as the Chairman, Vice-Chairman or member of the Board, if he/she, - (a) holds any office or place of profit under the Board; (b) is of unsound mind; (c) is an undischarged insolvent; (d) has, directly or indirectly by himself/herself or by any partner, any share or interest in any contract or employment with by or on behalf of, the Board; (e) is a Director or a 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; or (f) has been convicted of any offence involving moral turpitude. (g) in the opinion of the State Government - (i) has become incapable of acting; or (ii) is otherwise unfit to continue as a member. (3) A person shall not be disqualified under clause (d) or clause (e) of sub-section (2) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause, 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. (4) A person shall not also be disqualified under clause (d) or clause (e) of

sub-section (2) or be deemed to have any share or interest in any incorporated company which has 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 such company: Provided that such person discloses to the State Government the nature and extent of the shares held by him.

7. Filling up of Vacancies.

- In the event of any vacancy occurring in the membership of the Board, the vacancy shall be filled up, as soon as may be by appointment of a new member who shall hold office for the unexpired portion of the term of his/her predecessor.

8. Leave of absence of Chairman.

- The State Government may, from time to time, grant to the Chairman such leave as may be admissible under the rules made under this Act and the Vice- Chairman to act for the Chairman during such absence on leave, while so acting, be deemed, for all purposes of this Act, to be the Chairman as the case may be.

9. Proceedings presumed to be good and valid.

- No disqualification of, or defect in the appointment of, any person acting as a Chairman, a Vice-Chairman or a member shall be deemed to vitiate any act or proceedings 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 other than the Chairman is by infirmity or otherwise rendered temporarily incapable of performing his/her duties or is absent on leave or on any other ground not resulting in the cessation of his/her membership, the State Government may appoint another person to officiate for him/her and perform his/her duties under this Act, or any rule or regulation made thereunder.

11. Appointment of Officers and staff of the Board.

(1) The State Government shall appoint a Housing Secretary of the Board and other officers and staff of the Board on such terms and conditions of service as it may deem fit. (2) The Board may create such other posts and appoint such other officers and staff thereto as it may consider necessary for the efficient discharge of its duties: Provided that the previous sanction of the State Government shall be obtained for this purpose in respect of such categories of posts as may be specified by it from time to time, by notification. (3) The Board shall prescribe the qualifications, salary and condition of service of its employees.

12. Appointment of Committees.

- Subject to any rules made under this Act, the Board may, from time to time, and for any particular local area, district or sub-division, appoint one or more committees for the purpose of discharging such duties and functions as may be entrusted by the Board.

13. Meetings of the Board.

(1)The Board shall meet at least once in three months to transact the business and a period of more than three months shall not lapse between two consecutive ordinary meetings of the Board.(2)For transacting urgent business, the Chairman may, whenever he thinks fit, call special meetings of the Board;(3)Business at the meeting of the Board shall be transacted in accordance with such regulations as the Board may make in that behalf subject to the following conditions namely:-(a)the quorum for every meeting shall be five of the number of members actually serving for the time being including the Chairman;(b)every meeting shall be presided over by the Chairman and in his absence, by any member selected by the members present at the meeting.(c)if any ordinary or special meeting of the Board there is no quorum, the person presiding over the meeting shall adjourn the meeting to any other day, not being later than seven days from the date of adjournment and no quorum shall be necessary for such adjourned meeting.(d)all questions at any meeting shall be decided by a majority of the members present and voting other than the person presiding who shall have and exercise a casting vote only in case of a tie ; and(e)the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose and a copy of such minutes shall be forwarded to the State Government in the department concerned.(f)all such ordinary or special meetings shall be attended by the members themselves personally and not be represented by their subordinate officers.

14. Association of persons with the Board.

(1)The Board may associate with itself, any person whose assistance or advice it may deem fit for carrying into effect any of the provisions of this Act provided that the number of such persons shall not, at any time be more than three.(2)A person so associated with the Board under sub-section (1) for any purpose shall have the right to take part in the meetings of the Board relevant to that purpose, but shall not have the right to vote.(3)The State Government may, by order, depute its representatives in addition to those who are members of the Board to attend any meeting of the Board, on such items or subjects as the State Government may specify, but such representatives shall not have the right to vote.

15. Execution of contracts.

- Subject to the previous approval of the Board in each case, all contracts and agreements for and on behalf of the Board shall be executed by the Housing Secretary.Chapter - III Housing Scheme

16. Powers and duties of the Board to undertake housing schemes.

(1)The Board may frame Housing Schemes and execute works and incur expenditure in connection therewith on such terms and conditions as the State Government may direct.(2)The Board may, Subject to the approval of the State Government, undertake and execute any housing scheme on behalf of local Authority, Co-operative Society or any Organization or Association for providing residences to their employees.

17. Matters to be provided for by housing schemes.

- A housing scheme may provide for all or any of the following matters, namely: -(a)acquisition by purchase, exchange or otherwise of land or any property necessary for the execution of the scheme ;(b)division of the same into plots and the sale thereof after developing it or otherwise to co-operative societies or other persons, in accordance with the scheme ;(c)laying or re-laying out of any land comprised in the scheme;(d)closure or demolition of dwellings or portions of dwellings unfit for human habitation within the land owned by the Board;(e)demolition of obstructive buildings or portions thereof within the land owned or controlled by the Board.(f)construction and re-construction of buildings, their maintenance and preservation within the land owned or controlled by the Board.(g)sell, letting out or exchange of any property comprised in the scheme ;(h)construction and alteration of streets and back lanes within the land owned or controlled by the Board;(i)letting out management and use of the Board premises or property owned or controlled by the Board.(j)drainage, water-supply and lighting of the area included in the scheme ;(k)parks, playing fields and open spaces for the benefit of any area comprised in the scheme and the enlargement of existing parks, playing-fields, open spaces and approaches ;(l)sanitary arrangement required for the area comprised in the scheme, including the conservation and prevention of any injury or contamination to rivers or other sources and means of water-supply;(m)accommodation for any class of inhabitants, industries, institutions, offices, local authorities. Co-operatives or Corporate bodies ;(n)advance of money for the purpose of the scheme;(o)facilities for communication and transport;(p)collection of such information and statistics as may be necessary for the purpose of this Act;(q)necessary amenities and service to housing colonies owned by the Board and(r)any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and, or, to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.Explanation. - For the purposes of this section the State Government may, on the recommendation of the Board, by notification, specify area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

18. No housing scheme to be made for area included in the Improvement Scheme or be inconsistent with town planning scheme.

- No housing scheme shall be made under this Act for any area for which an improvement scheme has already been sanctioned by the State Government, or any other enactment for the time being in force, nor any housing scheme made under this Act shall contain anything which is inconsistent

with any of the matter included in a town planning scheme of the State Government under any law for the time being in force.

19. Types of Housing or improvement Scheme.

- A Housing or Improvement scheme shall be one or combination of any two or more of the following types or adaptation of any features thereof, namely:-(a)supply of roofing materials to the villagers.(b)a building scheme including colonization scheme.(c)a rehabilitation housing scheme.(d)a city or town or village expansion scheme.(e)a road construction or development scheme.(f)a land development scheme.(g)a site development and service scheme.

20. Placing of Budget before the Board.

(1)The Chairman shall, at a special meeting to be held in the month of January each year, lay before the Board the Budget of the Board for the next financial year.(2)The Budget shall be prepared in such form as may be prescribed and shall:-(a)include the housing scheme which the Board proposes to execute in whole or in part.(b)indicate full details of all the liabilities of the Board; and(c)contain a statement showing the estimated receipts and expenditure on capital and revenue accounts and such other particulars as may be prescribed.(3)The Board shall consider the Budget laid before it with or without modification.

21. Preparation and Submission of annual Housing Scheme. Budget and establishment schedule to Government.

(1)The Budget prepared by the Board under section 20 shall be submitted to the Government for approval and the Government may approve it or return it back to the Board for making modification as the Government may direct.(2)When the Budget is returned to the Board by Government for making any modification, the Board shall make the modification and re-submit the Budget so modified to the Government for approval.

22. Sanction to Scheme, Budget and establishment schedule.

- The State Government may sanction the Budget and the schedule of officers and staff or servants forwarded to it with such modification as it deems fit.

23. Publication of sanctioned scheme.

- The State Government shall publish the programme sanctioned by it under section 22 in the Official Gazette.

24. Supplementary Budget.

- The Chairman may at any time during the year for which the Budget has been approved by the Government, lay before the Board a supplementary Budget and the provisions of section 22 and 23 shall apply to such Budget.

25. Variation of Housing Scheme by the Board after it has been sanctioned.

- The Board may, at any time, vary any Housing Scheme or any part thereof included in the Budget as sanctioned by the State Government: Provided that no such variation shall be made if it involves expenditure in excess of 10 per cent of the amount as originally sanctioned for the execution of that particular housing scheme included in the Budget or if it affects the scope or purpose of such scheme,

26. Sanctioned housing scheme to be executed.

- After the scheme has been sanctioned and published by the State Government under sections 22 and 23, the Board shall proceed to execute the housing scheme included in the scheme.

27. Publication of housing scheme in the Official Gazette.

(1) Before proceeding to execute any housing scheme under section 26, the Board shall by notification publish the scheme. The notification shall specify that the plan showing the area which is proposed to be included in the housing scheme and the surrounding lands shall be open to inspection of the public at all reasonable hours at the office of the Board. (2) If within two weeks from the date of the publication of the housing 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 as it thinks fit.

28. Transfer to the Board for Purposes of housing scheme of land vested in a local authority.

(1) Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in the local authority, is required for the purpose of any housing scheme sanctioned by the State Government, the Board shall give notice accordingly to the local authority. (2) Where the local authority concurs, such street, square or other land, or part thereof, shall vest in the Board. (3) Where there is any dispute the matter shall be referred to the State Government. The State Government shall, after hearing the parties, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square or land shall vest in the Board, it shall vest accordingly. (4) Nothing in this section shall affect the rights or powers of the local authority in or over any drain or water works in such street, square or land.

29. Compensation in respect of land vested in the Board.

(1)Where any land vests in the Board under the provisions of section 28 and the Board makes a declaration that such land shall be retained by the Board only until it re-vests in the local authority as part of a street or an open space under section 32, no compensation shall be payable by the Board to the local authority in respect of that land.(2)Where any land vests in the Board under section 28 and no declaration is made under sub-section (1) in respect of the land, the Board shall pay to the local authority as compensation a sum equal to the value of such land.(3)If, in any case where the Board has made a declaration in respect of any land under sub-section (1), the Board retains or disposes of the land contrary to the terms of the declaration so that the land does not revest in the local authority, the Board shall pay to the local authority compensation in respect of such land in accordance with the provisions of sub-section (2).

30. Power of the 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 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 sub-section (2), the Board shall make allowance for any benefit accruing to him/ her 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 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.

31. Reference to Government in case of dispute under sections 29 and 30.

- If there is any dispute as to whether any compensation is payable under section 29 or section 30 or as to the amount of compensation payable under section 29 or section 30, as the case may be, the matter shall be referred to the Tribunal.

32. Vesting in the local authority of streets laid out or altered and open spaces provided by the Board under housing scheme.

(1)Whenever the State Government is satisfied, -(a)that any street laid out or altered by the Board has been duly leveled, paved, metaled, flagged, channeled, severed and drained in the manner provided in the scheme sanctioned by the State Government under section 22 or varied under section 25 or modified under section 27;(b)that such lamps, lamp-posts and other apparatus as the local authority 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 thereupon vest in the local authority and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority.(2)When any open space for the purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, it shall on completion be transferred to the local authority concerned, by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of the local authority.(3)If any difference of opinion arises 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 State Government whose decision shall be final.

33. Other Duties of the Board.

(1)It shall be the duty of the Board to take measures with a view to expedite matters and to reduce the cost of construction of building and the Board shall, for the purpose do all things such as(a)unification, simplification and standardization of building materials ;(b)encouraging pre-fabrication and mass production of building components ;(c)organizing or undertaking the production of building materials required for housing scheme ;(d)encouraging research for discovering cheap building materials and evolving new methods of economic construction ; and(e)securing a steady and sufficient supply of workmen trained in the work of construction of buildings.(2)The Board may provide technical advice to the Government and scrutinize projects under Housing Scheme as and when required by the Government to do so.(3)The Board may undertake research on various problems connected with housing in general and in particular to find out the economical method of constructing houses suited to local condition and to undertake comprehensive surveys of problems of housing.

34. Board to assume management of requisitioned lands.

- The Board shall, if the State Government so directs, and subject to the general control of the State Government, assume management of all or any of the lands requisitioned by or under authority of the State Government.

35. Reconstitution of plots.

- A housing scheme may provide, -(a)for the formation of a reconstituted plot by the alteration 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 in severalty or in joint ownership shall, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;(c)for the allotment of a plot of any owner dispossessed of land in furtherance of the housing scheme ; and(d)for the transfer of ownership of plot from one person to another.

36. Schemes entrusted to the Board by State Government.

- The provisions of section 17 and sections 21 to 27 (both inclusive) shall not be applicable to any housing scheme entrusted to the Board by the State Government except to such extent and subject to such modifications as may be specified in any general or special order made by the State Government and every such order shall be published in the Official Gazette. Chapter - IV Acquisition and Disposal of Land

37. Power to purchase, lease or acquire land.

(1) Board may enter into an agreement with any person or the State Government 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 State Government shall be obtained in case of purchase or exchange involving land worth more than rupees one hundred lakhs or lease for more than five years: (2) Board may, from such date as the State Government may appoint by notification in this behalf, also take steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing scheme in the manner provided in the Land Acquisition Act, 1894, as modified by this Act, and the acquisition of any land or any interest therein for the purpose of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

38. Betterment charges.

(1) When by the making of a housing scheme the value of any land in the area comprised in the scheme will, in the opinion of the Board, be increased, 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 the 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-sections (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.

39. Power to dis-pose of land.

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

building or other property are not transferrable to the persons other than the domiciles of Arunachal Pradesh.

40. Notice to person 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 after the expiry of the period within which such person is required to appear before the Board, 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 Tribunal.(5)The Tribunal shall, after holding an enquiry and after hearing the person concerned, assess the amount of the betterment charges payable by the person.

41. 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 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 either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

42. Recovery of betterment charges.

- All sums payable in respect of any land by any person in respect of betterment charges under section 38 or by any person under an agreement under section 41 shall be recoverable on behalf of the Board as arrears of land revenue.

43. Disputes regarding reconstitution of plots.

(1)Where by the making of a housing 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 re-constitution or dispossession such compensation as it deems reasonable. If the person is dissatisfied with the decision of the Board in the matter, he may inform the Board accordingly. The Board shall thereupon refer the matter to the Tribunal.(2)The Tribunal shall then, after making an inquiry, determine the amount of compensation and direct the Board to pay the same to the person concerned.

44. Tribunal.

- The Tribunal shall be the District Judge having jurisdiction in the area concerned.

45. Duties of Tribunal.

- The Tribunal shall-(a)decide whether any compensation is payable under section 29;(b)decide the amount of compensation in matters referred to it under section 31 ;(c)decide disputes relating to betterment charges referred to it under section 40 ;(d)decide disputes and the amount of compensation to be awarded under section 43 ; and(e)decide such other matters as may be prescribed by the rules made in this behalf.

46. Powers and procedure before Tribunal.

(1)In making inquiries the Tribunal shall have and exercise, as far as may be, the same powers and follow the same procedure as under the Code of Civil Procedure, 1908.(2)Every order made by the Tribunal for the payment of money and for the delivery of the possession or removal of any structure shall be enforced by the District Court as if it were the decree of the said Court.(3)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.

47. Decision of Tribunal to be final.

- The decision of the Tribunal on any matter referred to it under this Act shall, subject to the provision of section 48, be final.

48. Appeal to the High Court.

- The Board or any person aggrieved by a decision of the Tribunal may within three months from the date of the decision, or such further time as the High Court may for sufficient cause allow, appeal to the High Court and the High Court shall pass such orders on the appeal as it thinks fit.
- Chapter - VI
Power To Evict Persons From Board Premises

49. Power to evict persons from Board premises.

(1)If the competent authority is satisfied, -(a)that the person authorised to occupy any Board premises has-(i)not paid rent lawfully due from him in respect of such premises for a period of more than two months ; or(ii)sublet, 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, expressed or implied, under which he is authorised to occupy such premises; or(b)that any person is in unauthorized occupation of any Board premises; the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served by post or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or 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, shall 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 sub-section (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 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.

50. Power to recover rent, loan or damages as arrears of land revenue.

(1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 48, where any person is in arrears of rent payable in respect of any Board premises or arrears of installments payable in respect of any loan advanced by the Board for construction, reconstruction or repair of a house the competent authority may, by notice served by post or by affixing a copy of it on the outer door or some other conspicuous part of such premises or 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. If such person refuses or fails to pay the arrears of rent or the arrears of installments of loan within the time specified in the notice, such arrears may be recovered as arrears of land revenue. (2) Where any person is in unauthorized 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 by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises or in such other manner as may be prescribed, order that person to pay the damage within such time not being less than thirty days as may be specified in the notice. 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 per the provisions of law.

51. Rent to be recovered by deduction from salary or wages in certain cases.

(1) Without prejudice to the provisions of section 49 any person, who is an employee of the State Government or a local authority and who has been allotted any Board premises, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he/she is employed, shall be competent to deduct from the salary or wages payable to him/her 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 from him in respect of the Board premises allotted to him/her. (2) On the execution of such agreement, the State 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.

52. Penalty.

(1) If any amount due under the Act or the rules made thereunder is not paid by any person in compliance with the orders of the competent authority, such authority may, after giving such person an opportunity of being heard, impose upon him a penalty not exceeding twenty-five per cent of the amount due, if it has reason to believe that the person liable to pay the amount has willfully failed to pay the same. (2) If the penalty imposed under sub-section (1) is not paid within a period of thirty days the same shall be recoverable as arrears of land revenue.

53. Appeal.

(1) Any person aggrieved by an order of the competent authority may within thirty days from the date of—(i) the service of notice under section 49 or section 50 ; or (ii) the imposition of penalty under section 52, prefer an appeal to the Deputy Commissioner of the District in which the premises of the Board are situated or to any other officer, as the State Government may appoint in this behalf : Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) Where an appeal is preferred under sub-section (1), the appellate officer may stay the enforcement of the order of the competent authority for such period and on such conditions as he deems fit. (3) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

54. Finality of orders and bar of jurisdiction of Civil Courts.

(1) Save as otherwise expressly provided in this Act, every order made by a competent authority or an appellate officer under this chapter shall be final and shall not be called in question in any original suit, application or execution proceedings. (2) No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter of which the cognizance can be taken of and disposed of by any authority, empowered by this Act or the rules made thereunder. Chapter - VII Finance, Accounts and Audit

55. Board's Fund.

(1) The Board shall have its own fund called the Housing Board Fund into which shall be credited all monies received as under:—(a) by way of grants, donations, subventions and gifts from the central Government or any State Government, Local Authority or anybody or individuals for all or any of the purposes of this Act; and (b) by or on behalf of the Board under the provisions of this Act as all proceeds from the sale of land or any other kind of property of the Board, all rents, interests, profits and other monies accruing to the Board. (2) Except as otherwise directed by the State Government, all monies 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 in any Scheduled Bank or a Co-operative Bank or invested in such securities as may be approved by the State Government.(3)The accounts of the Board shall be operated upon by such officers as may be authorised by the Board by a general or special order.Explanation. - For the purposes of this section, a Scheduled Bank shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934.

56. Application of the Housing Board Fund.

- All properties, Funds and all other assets of the Board shall be held and applied by it, subject to the provisions and for the purpose of this Act.

57. Subventions and loans to the Board.

(1)The State Government may from time to time make subventions or advance to the Board for the purpose of this Act on such terms and conditions as the State Government may determine.

58. Power of the Board to borrow.

(1)The Board may from time to time, with the previous sanction of the State 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 from the public or from any corporation owned or controlled by the central or any Government.(2)Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum from or any part thereof from the public, take credit from Bank or financial institution owned or controlled by the central or any Government on cash-account to be kept in the name of the Board may the previous sanction of the Government, mortgage all or any of the properties vested in the Board as security for such credit.(3)For the promotion and execution of any Housing Scheme, the Board may, enter into financial institutions' arrangement with Life Insurance Corporation of India (LIC), any Bank or other financial institutions approved by the Government, subject to such conditions and limitations as may be prescribed and with the previous approval of the Government.(4)The Board may, out of its funds, grant loans and advances on such terms and conditions as it may determine, to any cooperative society registered under the Cooperative Society Act or to any other person for construction of houses, subject to the provision of this Act as may be prescribed.

59. Guarantee by the Government.

- The State Government may guarantee in such manner and subject to such conditions as it may think fit, the repayment of the principal including interest of any loan borrowed and debentures issued by the Board, provided that every debenture shall be signed by the Chairman and the Housing Secretary.

60. Sanctioning power of Chairman and expenditure in case of urgency, etc.

(1)The financial sanctioning power of the Chairman of the Board shall be at par with the sanctioning power of Development Commissioner (Finance), in the State Government of Arunachal Pradesh as delegated from time to time, beyond which shall be sanctioned by the State Government.(2)Where, in the opinion of the Board, circumstances of extreme urgency have arisen, the Board may incur in any recurring expenditure not exceeding rupees one lakh and non-recurring expenditure not exceeding rupees five lakhs notwithstanding that such expenditure has not been included in the Budget or supplementary Budget sanctioned by the State Government or the variation of the scheme made under section 25.(3)Where any expenditure is incurred by the Board under the circumstances of extreme urgency as provided in sub-section (2), a report thereon indicating the source from which the expenditure was made shall be sent to the Government, as soon as practicable, for approval.(4)The Board may, within the budget sanctioned by the State Government, approve appropriation not exceeding such amount as may be prescribed from one head to another and from one minor head to another under the same major head and submit a statement of such re-appropriation to the State Government.

61. Accounts and Audit.

(1)The Board shall cause to be maintained proper books of accounts and such other records as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts for each financial year.(2)The accounts of the Board shall be audited annually by such auditors or Charter Accountants to be appointed by the Board.(3)As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditors to the State Government; and shall cause the accounts to be published in the Official Gazette within 31st July every year.(4)The Board shall comply with such directions as the State Government may, after perusal of the report of the auditors, think fit to issue.

62. Concurrent and special audit of accounts.

(1)Notwithstanding anything contained in section 61 the State Government may order that there shall be concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit of the Board relating to any particular transaction or a class or series of transactions or to a particular period.(2)Where an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

63. Transfer of assets and liabilities.

(1)The State Government may transfer to the Board, building, land or any other property, movable or immovable, for use and management by the Board on such conditions and limitations as the State Government may deem fit, for the purposes of this Act.(2)The State Government may transfer to the

Board such schemes or works in progress, with all their assets and liabilities as are run or managed by the State Government, subject to such conditions and limitations as the State Government may deem fit to impose for the purposes of this Act.

Chapter - VIII Miscellaneous

64. Report.

- The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the State Government a report on such matters as may be required, and the State Government shall cause such report to be published in the Official Gazette and every such report shall be laid before the House of the State Legislature as soon as it is published.

65. Statements and returns.

- The Board shall also submit to the State Government such statistics, returns, particulars, documents, statements or papers in regard to any proposed or existing housing schemes or relating to any matter or proceedings connected with the working of the Board at such times and in such forms and manner as may be prescribed or as the State Government may, from time to time direct.

66. Power of the Board to construct buildings.

- Notwithstanding anything contained in this Act, the Board may undertake construction of building of the Government, a local Authority, or a Corporation or undertaking owned or controlled by the Government or a cooperative society subject to such terms and condition as may be agreed upon in pursuance of contract.

67. Power to order inquiries.

(1) With a view to satisfy itself, that the powers and duties of the Board are being exercised properly, the Government may, at any time, appoint any person to make inquiries into all or any of the activities of the Board and to report to the Government the result of such inquiries. (2) The Board shall give the person or persons so appointed all the facilities for proper conduct of inquiries and shall produce before the person or persons all documents, books and accounts and other information required or possession of the Board which person or persons call for the purpose of the inquiries,

68. Power of entry.

- The Chairman or any person either generally or specially authorised by the Chairman in his behalf may, with or without assistants or workmen, enter into or upon any land, in order- (a) to make any inspection, survey, measurement, valuation or inquiry; (b) to take levels; (c) to dig or bore into the sub-soil; (d) to set boundaries and intended lines of work; (e) to make such levels, boundaries and lines of works 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 rules made or scheme sanctioned thereunder: Provided

that-(i)no such entry shall be made between sunset and sunrise;(ii)no dwelling house and no public building which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry ;(iii)sufficient notice in every instance shall be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment occupied by women to remove themselves to some part of the premises where their privacy will not be disturbed ;(iv)due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

69. Notice of suit against the Board.

- No person shall institute any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Act, without giving to the Board, officer or servant or person concerned two months previous notice in writing of the intended suit and if the cause thereof, nor after six months from the date of the act complained of.

70. Triennial valuations of assets and liabilities of the Board.

- The Board shall triennially have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government:Provided that it shall be open to the State Government to direct a valuation to be made at any time it may consider necessary.

71. Members, Officers and servants of the Board to be public servants.

- All members, officers and servants of the Board 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.

72. Power of Government to give directions to the Board.

- The Government may give the Board such directions as in the opinion are necessary or expedient to carry out the purposes of this Act the Board shall comply with such directions.

73. Default in performance of duties and supersession.

(1)If the Government is satisfied that the Board has defaulted in performing duty on it by or under this Act, it may fix a period for performance of that duty.(2)If in the opinion of the Government, the Board fails or neglects to perform such duty within the period so fixed, it shall be lawful for the Government to supersede and re-constitute the Board in the prescribed manner.(3)On supersession of the Board and until it is re-constituted, the powers, duties and functions of the Board shall be carried out by the Government or by such officer or Officers it may appoint for this purpose.

74. Delegation of Power.

- The Board may, by resolution, authorize that any power exercisable by it under this Act or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by the Chairman.

75. Power to make rules.

(1)The State Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following purposes, namely(a)the honorarium, allowances and conditions of service of members under section 5 ;(b)the manner and form in which contracts shall be entered into under section 15 ;(c)the forms of annual housing schemes, budget and schedule of staff and officers and other particulars to be contained in the scheme under section 21 and 22 ;(d)the manner of publication of housing schemes included in the Budget;(e)the procedure to be followed in taking possession of any Board premises ;(f)the conditions subject to which the Board may borrow any sum under section 58 ;(g)the rate of interest under section 42 ;(h)the manner in which damages under section 50 may be assessed ;(i)the manner in which appeals may be preferred under section 53 and the procedure to be followed in such appeals ;(j)the manner of preparation, maintenance and publication of accounts under section 61 ;(k)submission of reports, returns, etc. under section 64 and 65;(l)the time at which and the form and manner in which statistics, returns, particulars and statement shall be submitted under section 65;(m)the manner in which the Board shall be superseded and reconstituted under section 73;(n)specifying the bye-laws contravention of any of which shall be an offence ; and(o)any other matter which is to be or may be prescribed under this Act.(3)Every rule made under this section shall be laid as soon as may be after it is made before the House of State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule 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.

76. Power to make Regulations.

- The Board may, from time to time with the previous sanction of the State Government by notification, make regulations consistent with this Act and with any rules made thereunder, -(a)for the management, allotment, use of buildings, tenements, hutments and premises constructed under any housing scheme;(b)the principles to be followed in allotment of tenement and premises; and(c)for regulating its procedure and the disposal of its business.(d)for the remuneration and conditions of services of the officers and employees appointed by the Board.(e)for delegation of financial power to the Chairman and Housing Secretary and other Officers.

77. Power to make bye-laws.

(1)The Board may make bye-laws, not inconsistent with this Act and the Rules and Regulations made thereunder. which may be necessary or expedient for the purpose of carrying out its duties and functions.(2)No bye-laws made by the Board shall come into force until it has been confirmed by (he State Government with or without modification.(3)All bye-laws made under this section shall be published in the Official Gazette.(4)A bye-law made under this section may provide that a contravention thereof shall be an offence.

78. Penalty for contravention of bye-laws.

- Whosoever contravenes a bye-law made under section 77 the contravention of which is prescribed as an offence shall, on conviction by competent court not below the rank of first class Judicial Magistrate, be punished with imprisonment for a term which may extend to one month or with fine which may extend up to rupees five thousand or with both.

79. Penalty for obstructing etc.

- If any person-(a)obstructs any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act; or(b)removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act; he/ she shall, on conviction by competent court not below the rank of first class Judicial Magistrate, be punished with imprisonment for a term which may extend to one month or with fine which may extend up to rupees five thousand or with both.

80. Authority for prosecution.

- Unless otherwise provided, 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 some person authorised by the Board by general or special order on this behalf.

81. Registration of documents executed on behalf of the Board.

(1)Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XVI of 1908), it shall not be necessary for the Chairman to appear in person or by agent at any registration office in any proceeding connected with registration of any instrument executed by him in his official capacity on behalf of the Board or to sign as provided in section 58 of that Act.(2)(a)Where any instrument is so executed, the registration officer to whom such instrument is presented for registration may, if he thinks fit, refer to the Chairman for information respecting the same, and on being satisfied of the execution thereof, shall register the instrument.(b)All liabilities enforceable against the Board shall be enforceable against the State Government.

82. Indemnity.

- No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Act.

83. Appeal.

(1) Save as otherwise expressly provided in any other provision of this Act, an appeal shall lie from an original or appellate order of any officer of the Board or the Chairman under this Act or any rule or regulation made thereunder-(a) to the Chairman when the order is made by any officer of the Board ;(b) to the Board when the order is made by the Chairman.(2) Every such appeal shall be preferred within a period of thirty days of the date of communication of the order: Provided that the Chairman or the Board, as the case may be, may entertain the appeal after the expiry of the period of thirty days if it is considered that the appellant was prevented by sufficient cause from filing the appeal in time.

84. Revision.

- The Government may either suo motu or on an application of a party, call for and examine the record of any proceedings or decision or order passed by the Board, Chairman, or Officer of the Board or competent authority or Deputy Commissioner or any other officer appointed by the State Government for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government that any such decision or order should be modified, annulled or revised, the Government may, after giving the persons affected thereby an opportunity of being heard, pass such order thereon as it may deem fit.

85. Dissolution of the Board.

(1) The State Government, if it is satisfied that in public interest it is necessary to do so, may by notification in the Official Gazette dissolve the Board with effect from such date as it may be specified in the notification: Provided that no such declaration shall be made by the State Government unless a resolution to that effect has been moved in and passed by the Arunachal Pradesh State Legislature.(2) On dissolution of the Board under sub-section (1), all properties, funds and dues which are vested in and realizable by the Board shall vest in and be realizable by the State Government;(3) Nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under section 59.

86. Removal of difficulties.

(1) If any difficulty arises in giving effect to the provisions 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 State 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 State Government may by notification make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.