

Sikkim, Housing and Development Board Act, 1979

SIKKIM

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Act 20 of 1979

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Sikkim, Housing and Development Board Act, 1979(Act No. 20 of 1979)Last Updated 18th February, 2020[Dated 13th November, 1979]An Act to provide for the constitution of a housing and Development Board for Sikkim and for matters connected therewith or incidental thereto;Whereas it is expedient to make provisions for the constitution of a Housing and Development Board for Sikkim and for matters connected therewith or incidental thereto;It is hereby enacted in the Thirtieth Year of the Republic of India by the Legislature - of Sikkim as follows;

Chapter I Preliminary

1. Short title and commencement.

(1)This Act may be called the Sikkim Housing and Development Board, Act, 1979.(2)It shall come into force at once.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context;(1)"Board" means the Sikkim Housing and Development Board constituted under section 3(2)"Board premises" means any' premises belonging to or vested in the Board' or taken on lease by the Board or entrusted to the Board, for management and use, for the purpose of this Act;(3)"building materials" means such commodities or articles as are specified by the State Government by notification in the Official Gazette to be building materials for the purposes of this Act;(4)"bye-laws" means bye. laws, made by the Board under section 36;(5)"Chairman" means the Chairman of the Board;(6)"Corporation" means the' Municipal Corporation of Gangtok;(7)"housing scheme" means a housing scheme made under this Act [and includes residential, rental, commercial and cash loan housing schemes] [Inserted by Act No. 15 of 2000, dated 30.6.2000.];(8)"land" includes benefits to arise out of land

and things attached to' the earth or permanently fastened to anything attached to the earth;(9)"Land Acquisition Act" 'means the Land Acquisition Act, 1894 or the Sikkim Land (Requisition and Acquisition) Act, 1977;(10)"member" means a member of the Board and includes the Chairman;(11)"Municipality" means the Gangtok Municipal Corporation;(12)"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 or part of a building, and(ii)any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;(13)"prescribed" means prescribed, by rules made under this Act;(14)"regulations" means regulations made by the Board under section 35;(15)"rules" means rules made by the State Government under section 34;(16)"Secretary" means the Secretary. Sikkim Housing and Development Board appointed under section 6;(16a)["State Government" means the Government of Sikkim.] [Inserted by Act No. 15 of 2000, dated 30.6.2000.](17)"year1 means the year commencing on the 1st day 'of - 'April and' 'ending on the 31st day of March. -

Chapter 11

Establishment of the Board

3. Constitution of the Board.

(1)The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Board by the name of the Sikkim Housing and Development Board.(2)The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued its corporate name and shall be competent to acquire and hold property both movable and immovable, enter into contract and do all things necessary for the purposes of this Act.(3)[The Board shall be deemed to be local authority for the purposes of this Act, the Land Acquisition ACT, the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery)Act, 1988.] [Substituted by Act No. 15 of 2000, dated 30.6.2000.]

4. Members of the Board.

(1)The Board, shall consist of a Chairman who shall be the Minister-in-Charge of the [Urban development and Housing Department] [Substituted by 'Local Self Government and Housing Department' Act No. 15 of 2000, dated 30.6.2000.] of the State Government [or any other person so appointed by the State Government] [Inserted by Act No. 3 of 1985, dated 23.6.1985.] and the following other members, that is to say,(i)Secretary, Finance Department.(ii)[Secretary, Urban dEvelopment and Housing Department. [Substituted by Act No. 15 of 2000, dated 30.6.2000.](iii)Secretary, Rural dEvelopment Department.(iv)Commission-ere -cum-secretary, Planning and Development department.(v)Principal Chief Engineer -cum- secretary, Building and Housing Department.(vi)Secretary , Sikkim Housing and development Board.(vii)Any other professional, technical or eminent person whose expert experience may be useful to the Board to be nominated by the Government for such time as maybe specified in this behalf.](2)Whenever for any reason there is a temporary vacancy in the Office of the Chairman or if the Chairman is, due to infirmity or otherwise, unable to carry out his duties, the State Government may appoint a person to

act as Chairman for such period as may be necessary and while so acting the person so appointed shall be deemed to be the Chairman for all purposes of the Act.(3)Every member, other than the Chairman, shall receive such allowances, if any, as may be prescribed,

5. Proceedings presumed to be good and valid.

- No disqualification or defect in the appointment of any person acting as Chairman or any other member shall be deemed to vitiate any act or proceeding of the Board, if such proceeding is otherwise in accordance with the provisions of this Act.

6. Officer and other staff.

(1)The Board shall have a Secretary, who shall be the Chief Executive Officer and one or more Assistant Secretaries, and such other officers and employees as the Board may consider necessary for the efficient performance of its functions.(2)The appointment of the Secretary shall be made by the State Government and the appointment of other officers and employees of the Board shall be made by the Board:Provided that the Board shall not appoint any Officer in a scale of pay [which exceed lowest scale payable to a Group B Employee of the State Government] [Substituted by 'the maximum of which exceeds one thousand rupees a month' Act No. 15 of 2000, dated 30.6.2000.], without obtaining the previous sanction of the State Government.(3)[The pay, allowances leave and other benefits of the employees of Board shall be regulated by the rules relating to such pay, allowances , leads and other benefits framed by the State Government for its employees from time to time or any other rules as maybe framed and adopted by the Board.] [Inserted by Act No. 15 of 2000, dated 30.6.2000.]

7. Powers and duties of the Secretary and other officers.

(1)The Secretary and other officers shall perform such duties as may be assigned to them by the Board.(2)The Board may, from time to time, by order delegate, under such restriction, if any as it may think! fit to impose, any of its powers conferred on it by this Act, to the Secretary and to other officers of the Board specified in the order.

8. Employment of staff of the State Government.

(1)The Board shall take over .and- employ such staff of the State Government in the Housing and other Departments as the State Government may make available and every person so taken over and employed shall be subject to the provisions of this Act and the rules and bye-laws made there under:Provided that during the period of such employment any matters relating to the pay, allowances, leave, retirement, pensions, provident fund and all other terms and conditions of service of the members of the said staff shall be regulated by the Sikkim Service Rules or such other rules on the subject as may from time to time be made by the State Government.(2)All permanent Government servants taken over and employed by the Board under sub-section (1) shall have a lien on their posts in the service of the State Government and the period of their service under the

Board, shall 'on their reversion to the service of the State Government, be counted for their promotion, increments, pension and other matters relating to their service.(3)[Subject to the provisions of sub-section (1), no officer or other employees except the Secretary of the Board, shall be appointed or deputed by the State Government, without the consent of the Board. The Board shall have right not to accept the appointment or deputation of any officer and staff made by the State Government without the consent of the Board.] [Inserted by Act No. 15 of 2000, dated 30.6.2000.]

9. Meetings of the Board.

- The Board shall 'meet and shall from time to time make such arrangements with respect to the day, time, notice and adjournment of its meetings as it thinks fit, "subject to the following conditions, namely(a)an ordinary meeting shall be held at least once in every [three] [Substituted by 'two' Act No. 15 of 2000, dated 30.6.2000.] months;(b)the Chairman, may, whenever he thinks fit, call a special meeting;(c)the quorum for every meeting shall be four:Provided that when a meeting has been adjourned to another date for want of quorum no quorum shall be necessary in the case of the adjourned meeting;(d)every meeting shall be presided over by the Chairman and in the absence of the Chairman by any member chosen by the members present;(e)all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote;(f)the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

10. Execution of contracts.

(1)Every contract made by the Board shall be entered into in such manner and in such form as may be prescribed and be signed by the Chairman on behalf of the Board:Provided that(a)no contract involving; an expenditure of rupees [fifty lakhs] [Substituted by 'five lakhs' Act No. 15 of 2000, dated 30.6.2000.] or more shall be made without the previous sanction of the State Government;(b)and contract involving expenditure up to rupees [five lakhs] [Substituted by 'fifty thousand' Act No. 15 of 2000, dated 30.6.2000.] may, in case of urgency, be made by the Chairman without the previous sanction of the Board but shall be referred to the Board at the earliest opportunity.(2)Sub-section (1) shall apply to every variation or abandonment of a contract as well as to an original contract [subject to adherence for overall limits of variation with in the Scheme as provided under the proviso to section19 of this Act.] [Added by Act No. 15 of 2000, dated 30.6.2000.]

11. Delegation of Board's power to sign contracts.

- Subject to any rule which the State Government may make in this behalf,' the Board may by order direct that the power to sign a contract shall be exercisable also by the Secretary or any other officer specified by it in the order.

Chapter III

Housing Schemes

12. Powers and duties of Board to undertake housing schemes.

(1) Subject to the provisions of this Act, the Board may, from time to time, incur expenditure, and undertake works for the framing and execution of such housing schemes in relation to lands and buildings vested in or in the possession of the State Government [including implementation of cash loan schemes and may also incur expenditure for such housing scheme on any other land as the State Government may deem fit] [Added by Act No. 15 of 2000, dated 30.6.2000.]. (2) The State Government may, on such terms and conditions as it may think fit to, impose, entrust to the Board the framing and execution of any housing scheme and the Board shall thereupon undertake the framing and execution of such scheme. (3) The Board may, on such terms and conditions as may be agreed upon [***] [Deleted by 'and with the previous approval of the State Government' Act No. 15 of 2000, dated 30.6.2000.], take over for execution any housing scheme, on behalf of a local authority or co-operative society, or on behalf of an employer, for building, house property, mainly for the residence of the employees of such local authority, co-operative society or employer or for the residence of the members of such co-operative society, as the case may be [or any other commercially profitable construction Scheme on a turn key basis.] [Added by Act No. 15 of 2000, dated 30.6.2000.]

13. Matters to be provided for by housing schemes.

- 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) the acquisition by purchase, exchange or otherwise of any property necessary for the scheme; (b) the construction and reconstruction of buildings; (c) the sale, letting out or exchange of any" property included in the scheme; (d) the roads, drainage, water-supply, lighting, schools, hospitals, dispensaries, market places, parks, play grounds and open spaces within a housing scheme; (e) the reclamation or reservation of land for markets, gardens, schools, dispensaries, hospitals, and other amenities in a housing scheme; (f) the letting out, management and use, of the Board premises [including for commercial purposes to generate revenue of the Board] [Added by Act No. 15 of 2000, dated 30.6.2000.]; (g) accommodation for any class of inhabitants; (h) [borrowing and advancing of money for the purpose of repair and construction of individual houses;] [Substituted by Act No. 15 of 2000, dated 30.6.2000.]; (i) the collection of such information and statistics as may be necessary for successful implementation of the scheme, development of any urban or rural area for successful implementation of housing schemes and for purposes ancillary or incidental thereto; (j) any other matter for which, in the opinion of the Board or the State Government, it is expedient to make provision with a view to providing housing accommodation and to improving or developing of any area included in a housing scheme.

14. Submission of Budget to Board.

(1)The Chairman shall, at, a special meeting to be held within "the fifteenth day of the month of February in each year, "Jay before the Board, a budget of the Board for the next year.(2)Every such budget shall be prepared in such form as may be prescribed and shall make provision for-(i)the housing schemes which the Board proposes to execute whether in part or in whole during the next year;(ii)the due fulfillment 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 expenditure on capital and revenue accounts' for the next year, and such other particulars as) may be prescribed.

15. Board's sanction to Budget.

- The Board shall consider the budget laid' before it and sanction it with or without modification.

16. Board's submission of Budget to State Government for approval.

(1)Every budget sanctioned by, the Board shall be submitted to the State Government for approval. Within such time as may be prescribed, the State Government may approve the budget as sanctioned by the Board or return it to the Board. '(2)Where a budget is returned to the Board by the State Government for making any modifications therein, the Board shall forthwith make such modifications and submit the budget so modified to the State Government, which may then approve the same.

17. Supplementary budget.

- The Chairman may, at any time during the year for: which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of section 14, 15 and 16 shall apply to such supplementary budget.

18. Publication and execution of housing schemes.

- After the budget is approved by the State Government, the 'Board shall cause the housing scheme, in respect of which provision is made in the budget, to be published in the Official Gazette in such manner as may be prescribed and proceed to execute such schemes. '

19. Variation of housing schemes.

- The Board may at any time vary any housing scheme or any part thereof included in the budget approved by the State Government:Provided that no such variation shall be made except with the "approval of the State Government if it involves an expenditure in excess of [fifteen per cent] [Substituted by 'ten per cent' Act No. 15 of 2000, dated 30.6.2000.] of the amount as included in the budget approved by the State Government for the execution of any housing scheme.

20. Transfer of open space to local authority.

(1)When any open space for the purpose of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may, at its option by resolution, transfer such open space to the local authority concerned on completion of the scheme and thereupon such open space shall vest in and be maintained at the expense of the local authority:Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay-out such space and provide footpaths therein, and if necessary, to provide lamps and other apparatus for lighting it.(2)If any difference of opinion arises between the Board and the local authority concerned in respect of any matter referred to in sub-section (1) the matter shall be referred to the State Government whose decision thereon shall be final.

21. [Other powers and duties of the Board.] [Substituted by 'Other duties of the Board' Act No. 15 of 2000, dated 30.6.2000.]

(1)The Board shall take necessary measures to maintain, allot, lease, sell or otherwise use the Board premises in. such manner as it may decide and shall collect rent price, compensation and damages in respect thereof.(2)The Board may(i)provide technical advice to the State Government and scrutinize projects under housing schemes when required by the State Government to do so;(ii)undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions;(iii)undertake comprehensive surveys on problems of housing;(iv)do all things for(a)unification, standardization of simplification, building materials;(b)encouraging pre-fabrication and mass production of house components;(c)organizing or undertaking the production of building materials for [***] [Deleted by 'residential or non-residential houses' Act No. 15 of 2000, dated 30.6.2000.];[(d) undertaking training of unskilled and semi-skilled persons for deployment in the construction industry through Palika Karigar Kendras and or Building Centres;] [Substituted by Act No. 15 of 2000, dated 30.6.2000.](v)[render techno-economic consultancy including approval, planning and designing services in respect of construction Scheme on commercial consideration; [Inserted by Act No. 15 of 2000, dated 30.6.2000.](vi)undertake or associate with specific infrastructure development project like town planning and creation if called upon to do so;(vii)manufacture and self of building materials through Building Centres;(viii)enter, with prior approval of the State Government , into joint sector agreements which are commercially viable and beneficial for the people of the State of Sikkim;(ix)invest suitably any surplus land in any Nationalised Bank and other Government undertakings with in India so as to achieve assured returns without impairing the liquidity of the Board.](3)Subject to such rules as may be made in this behalf, the Board may, from time to time, appoint one or more Committees or invest any local or other authority for the purpose of discharging or performing such duties or functions of an executive or administrative' nature as it may delegate to such Committee of local or other authority and any such Committee or local or other authority may discharge such duties or may perform such functions accordingly:

22. Power to exempt schemes from provisions of this Act.

- The state Government may, by general or special order published in the Official. Gazette, exempt, subject to such conditions, if any, as it may impose, any housing scheme undertaken by the Board from all or any of the provisions of this Act or direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

Chapter IV

Acquisition and disposal of land

23. Power to purchase or lease by agreement.

(1)Where any land is needed for the purpose of a housing scheme or for performing any other duties or functions of the Board, the Board may enter into an agreement with any person for the acquisition by purchase, lease or exchange of his right and interest in such land either wholly or in part, on payment of an amount proportionate to the loss or deprivation caused to the enjoyment of the land: Provided, that the amount to be paid for the loss or deprivation caused shall not exceed the market value of the land prevailing on the first date of negotiation in respect of the transaction.(2)The Board may also request the State Government to take steps for the compulsory acquisition under the provisions of the Land Acquisition Act 'of any land or any interest therein required for the execution of a housing scheme or for performing any other duties or functions of the Board and such acquisition of any land or any interest therein shall be deemed to be acquisition-ed for a public purpose within the meaning of the Land Acquisition Act.(3)[Notwithstanding anything contained in sub-section (1) or sub-section (2) by subject to the provisions of the Land Acquisition Act, if the State Government is of the opinion that the land outside the State is required to be acquired for undertaking a Scheme that would be beneficial to the State , it may direct the Board to take step to acquired the same in accordance with the direction as the State Government may pass in this behalf.] [Inserted by Act No. 15 of 2000, dated 30.6.2000.]

Chapter V

Finance, accounts and audit

24. Transfer of assets the 'Board.

- (I) Such asset and liabilities of the State Government which the State Government may decide to transfer to the Board on such terms and conditions as may be prescribed shall; with effect from the date of notification published by the State Government in this behalf, stand vested in and transferred to the Board.(2)All debts and expenditure incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Government in respect of the assets and liabilities transferred under sub-section (1) before and up to the date of transfer, shall be deemed to have been incurred, entered into or engaged to be done with or for the Board and all suits and other legal proceedings instituted or which may be ,instituted by or against the State

Government in respect of such assets shall be continued or instituted by or against the Board, as the case may be.

25. Board's Fund.

(1)The Board shall have a fund to be called the Housing and Development Board Fund.(2)The Board may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Act.(3)The State Government may every year make a grant to the Board of the amount required to meet the administrative expenses of the Board.(4)All moneys received by or on behalf of the Board, all proceeds of sale of land or any other property, betterment charges and all interest, profits and other moneys accruing to the Board shall be deposited in the fund of the Board.(5)[All moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of Sikkim, or in any other Nationalised Bank operating in Sikkim.Provided that nothing contained in this sub section shall prejudice the decision of the Board to invest any surplus fund in the manner specified in clause (ix) of sub section (2) of section 21.] [Substituted by Act No. 15 of 2000, dated 30.6.2000.](6)The Bank account or any cash or security of the Board shall be operated or handled by such officers as may be authorized by the Board.'

26. Application of the Fund.

- All property, fund and all other assets vested in the Board shall be held and applied by it, subject to the provision and for the purpose of this Act.

27. Expenditure in case of urgency.

(1)Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year, [though not provided for in the approved annual budget;] [Added by Act No. 15 of 2000, dated 30.6.2000.](a)recurring expenditure not exceeding, [two lakhs fifty thousand rupees] [Substituted by 'fifty thousand rupees' Act No. 15 of 2000, dated 30.6.2000.].(b)non-recurring expenditure not exceeding [ten lakhs of rupees] [Substituted by 'two lakhs of rupees' Act No. 15 of 2000, dated 30.6.2000.].(2)Where any sum is expended under circumstance of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government:

28. Subvention and loan to the Board.

- (I) The State Government may from time to time make "subventions to the Board for carrying out the purposes of this Act on such terms and conditions as the State Government may determine.(2)The State Government may from time to time advance loan to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government, may

determine.

29. Power of 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 the Act,(2)The rules made by the State Government may empower the Board to; borrow by the issue of debentures and to make arrangements with bankers.(3)All debentures issued by the Board shall be in such' form as the Board, with the sanction of the State Government may; from time to time, determine.(4)Every debenture shall be signed, by the Chairman and one other member of the Board.(5)Loans borrowed and debentures issued under this section may' be guaranteed by the State Government as to the repayment of principal and payment of interest at such rate as may be fixed, by; the State Government.

30. Accounts and audit.

- [(1) The Board shall cause to be maintained proper book of accounts and records in such forms and manner as maybe prescribed or as per the accounts manual to be adopted by the Board by resolution to this effect in the manner of commercial pattern of accounting.(2)The Board shall cause its accounts to be audited annually by an Auditor to be appointed by the Board from amongst the Chartered Accountants empanelled by the State Government . the auditor so appointed shall have the right to demand the production of books, accounts , vouchers, documents and all other papers relating to accounts or otherwise , and to inspect any of the offices of the board.] [Substituted by Act No. 15 of 2000, dated 30.6.2000.]

2A. [The Auditor of the Board shall examine each balance sheets and profit and loss account and state whether they represent a true and fair position of assets and liabilities of the Board in the case of the former and of the result from operations during the period covered in the case of the latte.] [Added by Act No. 15 of 2000, dated 30.6.2000.]

(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 auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.(4)The Board shall, comply with such directions as the State Government may after perusal of the report of the auditor, think fit to issue.

31. Concurrent and special audits of accounts.

(1)notwithstanding anything contained in section 30, the State Government may order that there shall be a concurrent audit of the accounts' of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a

particular period.(2)When 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 and remedy or cause to be remedied the defects pointed out by such person unless they are condoned; by The State Government.

Chapter VI

Miscellaneous

32. Power of entry.

- The Chairman or any person either generally or specially authorized by the Chairman in this behalf may, with or without assistance of 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 do 'any other things;when it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned there, under: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, unless 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 shall in every instance be given to enable the female inmates of any apartment 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 purpose for which the entry is made, to the social and religious usages of the occupiers of the premises entered.

33. Notice of suit against the Board.

- No person shall commence any suit against the Board or against any officer or employee 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 employee or person two. months' previous notice in writing of the intended suit and of the cause thereof.

34. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following purposes, namely:(a)the allowance of members;(b)the manner and form in which contract shall be entered into under sub -section (1) of section 10(c)the form of the annual budget to be laid, before the Board under section 14 and the other particulars to be contained therein;"(d)the time within which the State Government may approve or return the budget to the Board under sub–section (I) of section 16;(e)the manner of publication of the housing scheme included in the budget under section 18;(f)the terms and conditions on which assets of the State Government may be transferred to the Board under section

24;(g)the conditions subject to which the Board may borrow- any sum under section 29;(h)the manner of preparation, maintenance and publication of accounts under section 30;(i)any other matter which is to be or may be prescribed under this Act:

35. Regulations.

(1)The Board may, from time to time, with the previous sanction of the - State Government make regulations consistent with this Act and with any rule made under this Act.(2)Such regulations may provide for(a)the management and use of buildings constructed under any housing scheme;(b) the principles and terms and conditions in allotment of tenements and premises and in the grant of housing loan;] [Substituted by Act No. 15 of 2000, dated 30.6.2000.](c)regulating its procedure and the disposal of its business;(d)the conditions of service of the employees of the Board other than those taken over and employed under sub-section (1) of section 8.(3)If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make or amend any regulation made under sub-section (1), it may call upon the Board to make or amend such regulation, within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

36. Power to make bye laws.

- (1) The Board may, with the previous sanction of the State Government, make bye laws, not inconsistent with this Act and rules which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.(2)A bye law made under this section may provide that a contravention thereof shall be an offence.(3)All bye laws made under this section shall be published in the Official Gazette.

37. Penalty for contravention of bye laws.

- Whoever contravenes a bye law made under section 36 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

38. Penalty for obstructing etc.

- If any person(a)obstructs, or molests any person with whom the Board has entered into a contract, in the performance or execution 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 authorized under this Act, he shall, on conviction, be punished with imprisonment, for a term which may extend to three months or with fine which may extend to. Five hundred rupees or with both.

39. Authority for prosecution.

- Unless otherwise expressly 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 authorized by the Board by general or special order in this behalf.

40. Members, officers and employees of the Board to be public servants.

- All members, officers and employees 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.

41. Protection of action taken under this Act.

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

42. Repeal and Savings.

- (I) The Sikkim Housing and Development Board Ordinance, 1979 (Ordinance No.4 of 1979) is hereby, repealed.(2)Notwithstanding such repeal, anything done, or any action taken in the exercise of the powers conferred by or under that ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or such action was taken.