

MEGHALAYA ACT 7 OF 1986

THE MEGHALAYA STATE HOUSING BOARD ACT, 1986

(As passed by the Assembly)

[Received the assent of the Governor on the Twenty-seventh May, 1986]

(Published in the Gazette of Meghalaya, Extraordinary, dated 2nd June, 1986)

An

Act

to provide for the constitution and regulation of Housing Board for Meghalaya for the purpose of taking measures to deal with need for housing accommodation and to deal with the need for housing accommodation and for matters connected therewith.

Be it enacted by the Legislature of Meghalaya in the Thirty-Seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

- Short title extent and commencement**
1. (1) This Act may be called the Meghalaya State Housing Board Act, 1986.
 - (2) It extends to the whole of the State of Meghalaya.
 - (3) It shall be deemed to have come into force 24th day of January, 1986.
- Definition**
2. In this Act, unless the context otherwise requires,-
 - (a) “Board” means the Meghalaya State Housing Board constituted under Section 3;
 - (b) “Board Premises” means any premises belonging to or taken on lease by or on behalf of the Board or vested in or entrusted to or in possession or under the control of the Board under this Act;
 - (c) “Competent Authority” means any person or authority authorized by the Government, by notification, to perform the functions of the Competent authority under this act for such areas as may be specified the notification;
 - (d) ¹“Chairman” and “Vice Chairman” mean the Chairman and Vice Chairman of the Board”.
 - (e) “Government” means the State Government of Meghalaya.
 - (f) “Housing Scheme” means Housing Scheme made under this act; the rules and regulations framed thereunder.
 - (g) “Local Authority” includes a Town Committee established under a District Council.

¹Substituted by Act 7 of 1993, Section 2(d). Earlier the words read as “Chairman” means the Chairman of the Board.

- (h) “Member” means prescribed by rules made under this Act;
- (i) “Prescribed” means prescribed by rules made under this Act;
- (j) ‘promises’ means any land or building or part of a building and includes:-
 - (i) the garden, grounds and our houses, if any ,apartment to such building or part of a building, and
 - (ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (k) “Rules” means rules made under this Act;
- (l) “Regulation” means Regulation made under this Act;
- (m)“Section” means a Section of this Act.

CHAPTER II ESTABLISHMENT OF THE BOARD

Constitution of the Board.

- 3. (1) The Government may, by notification for the purposes of this act, establish a Board by the name of the Meghalaya State Housing Board.
- (2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire hold and dispose of property both movable and immovable and enter into contract and may, by the said name, sue and be sued.

Members of the Board.

- 4. (1) The Board shall consist of ¹“a Chairman and vice-Chairman”, who shall be appointed by the Government, and the following members, namely.-
 - (a) Secretary, Housing or his nominee not below the rank of a Deputy Secretary (Housing).
 - (b) Secretary, Finance or his representative not below the rank of a Joint Secretary;
 - (c) Chief Engineer, P.W.D. or his representative not below the rank of a Superintending Engineer;
 - (d) Director of Housing;
 - (e) Housing Commissioner, who shall be the Member-Secretary.

¹Substituted by Act 7 of 1993, Section 2, Earlier the words read as “a chairman”.

Explanation - For the purpose of clauses (a) and (b) “Secretary” includes Special Secretary.

Non-Official members:-

(f) ¹“Seven” non-official members to be appointed by the Government.

(2) The Government may, by notification, remove from office the ²“Chairman, the Vice Chairman” or any other member.

Disqualification for appointment as a member of the Board.

5. Save as otherwise provided in this Act, a person shall be disqualified for being appointed or continuing as ³“Chairman, the Vice Chairman” or member of the Board, if he,-

- (a) holds any office of profit under the Board;
- (b) is of unsound mind;
- (c) is an undischarged insolvent; has directly or indirectly any share or interest in any contract or employment with, by or on behalf of the Board.
- (d) has been convicted by a court of any offence involving moral turpitude or convicted of economic offence;
- (e) is a Director, Secretary, Manager or a salaried officer of any company which has any share or interest in any contract or employment with, by or on behalf of, the Board.

Explanation -

A person shall not be deemed to have any share or interest in any company within the meaning of clause (d) or (f) of the section only by reason of his having, or the company in which he is a Director, Secretary, Manager or a salaried officer is having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board is inserted.

Terms of office and Conditions of Service of the Chairman and members.

6. (1) The ⁴“Chairman, the Vice Chairman” and every non-official member shall hold office for a period of two years from date of appointment but shall be eligible for re-appointment as such Chairman or Member.

(2) The ⁵“Chairman, the Vice Chairman” shall receive such remuneration and the nonofficial members such travelling allowances and daily allowances as may be prescribed.

¹ Substituted by Act 7 of 1993, Section 2 (ii), Earlier the words read as “Three”

² Substituted by Act 7 of 1993, Section 4 (2), Earlier the words read as “Chairman”

³ Substituted by Act 7 of 1993, Section 4 , Earlier the words read as “Chairman”

⁴ Substituted by Act 7 of 1993, Section 4 , Earlier the words read as “Chairman”

⁵ Substituted by Act 7 of 1993, Section 4 , Earlier the words read as “Chairman”

- Resignation of Chairman and members.** 7. The ¹“Chairman, the Vice Chairman” or any non-official member may resign his office by tendering his resignation to the Government but shall continue to remain in office until his resignation is accepted.
- Filling up of vacancies.** 8. 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 term of his predecessor.
- Appointment of Officer and staff of the Board.** 9. (1) ²“The Housing Commissioner and other Officers of the Board equivalent in rank to Government servants of the Group “A” category shall , whenever necessary, be appointed by Government and their salaries, qualifications and other conditions of service shall be such as may be prescribed”.
- (2) The Board shall appoint other officers and staff as it may consider necessary for efficient functioning of the Board.
- Appointment of Committee.** 10. Subject to the Rules made under this Act, the Board may from time to time and for any local area, district or Subdivision appoint one or more committees for the purpose of discharging such duties and functions as may be entrusted by the Board.
- Meetings of the Board.** 11. (1) The Board shall meet at least six times in a year to transact its business and a period of more than two months shall not lapse between two consecutive ordinary meetings of the Board.
- (2) For transacting urgent business ³“the Chairman or in his absence, the Vice Chairman” may convene 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 of ordinary or special meetings shall be one-third of the total membership including the ⁴“Chairman, the Vice Chairman” ;
- (b) every meeting shall be presided over by the ⁵“the Chairman and in his absence by the Vice Chairman and in case both are absent” and in his absence, by any members present at the meeting.

¹Substituted by Act 7 of 1993, Section 2 , Earlier the words read as “Chairman”

²Substituted by Act 4 of 1990, Section 4 , Earlier the words read as “The Government shall appoint a Housing Commission and other officers of the Board the maximum of whose scale of pay is Rs.1,650 per mensem and above and their salary, qualification and other conditions or service shall be such as may be prescribed.”

³Substituted by Act 7 of 1993, Section 6 , Earlier the words read as “Chairman”

⁴Substituted by Act 7 of 1993, Section 5 , Earlier the words read as “Chairman”

⁵Substituted by Act 7 of 1993, Section 7 , Earlier the words read as “the Chairman and in his absence”

(c) if at any special or ordinary 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 7 days from the date of adjournment and no quorum shall be necessary for such adjourned meeting; and

(d) all question at any meeting shall be decided by a majority of votes of the members present and voting, other than the persons presiding who shall have and exercise a casting voter only in case of a tie.

(4) No act or proceedings of the Board shall be merely by reason of the existence of any vacancy in the membership of the Board.

Temporary association of persons with the Board for particular purposes.

12. (1) The Board may, for any particular purpose, temporarily associate with itself any person whose assistance or advice it desires provided that the number of such persons shall not, at any time be more than three.
- (2) A person so associated with the Board may taken part in the deliberations of the Board meeting but shall have no right to vote.
- (3) The Government may send its representative in addition to those who are members of the board to attend any meeting of the Board and to take part in any deliberation of the Board meeting but such representatives shall have no right to vote.

Execution of contracts.

13. 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 Commissioner.

**CHAPTER III
HOUSING SCHEMES**

Powers and duties of the Board to undertake Housing Schemes.

14. (1) The Board may frame Housing Schemes and execute works and incur expenditure in connection therewith on such terms and conditions as the Government may direct.
- (2) The board may, subject to approval of the Government undertake and execute any housing scheme on behalf of a District Council, Local authority, Co-operative Society or any Organisation or Association for providing residences to their employees.

Matters to be provided for by Housing Schemes.

15. (1) A Housing Schemes may provided for all or any of the following matters; namely:-
- (2)
- (a) acquisition by purchase, exchange or otherwise of land or any property necessary for the execution of the Scheme;
 - (b) laying or relaying out of any land comprised in the Scheme;
 - (c) closure or demolition of dwellings or portions thereof unfit for human habitat on within land owned or controlled by the Board;
 - (d) demolition of obstructive buildings or portion thereof within land owned or controlled by the Board.
 - (e) Construction of buildings within land owned or controlled by the Board.
 - (f) Sell, letting go out or exchange of any property comprised in the Scheme;
 - (g) Construction and alteration of roads or lanes within the land owned or controlled by the Board.
 - (h) Letting out, management and use of the Board premises or property owned or controlled by the Board;
 - (i) Provisions of accommodation for inhabitants;
 - (j) necessary amenities and services to Housing Colonies owned by the Board;
 - (k) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to provided housing accommodation and for the improvement and development of any are comprised in the Scheme.
- (3) No Housing Scheme under sub-section (1) shall be made for any area for which an improvement Scheme has already been sanctioned by the Government under any enactment for the time being in force nor shall such scheme contain anything which is inconsistent with any of the matters included in a Town Planning Scheme of the Government made under any law for the time being in force.

Types of Housing or Improvement Schemes.

16. A Housing or Improvement Scheme shall be one or a combination of any two or more of the following types or adaptation of any features thereof, namely:-
- (a) a house accommodation scheme;
 - (b) a building 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 services scheme.

Placing of Budget before of Board.

17. (1) ¹“The Chairman or in his absence, the Vice Chairman” shall, at a special meeting to be held in the month of January each year, lay before the Board the Budget for the next financial year.
- (2) The Budget shall be prepared in such form as may be prescribed and shall,-
- (a) include the housing schemes which the Board proposes to execute in whole or in part;
- (b) indicate fulfillment 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 and approve it with or without modification.

Submission of Budget to Government.

18. (1) The Budget approved by the Board under Section 17 shall be submitted to the Government for approval and the Government may approve it or return it back to the Board for making such modification as the Government may direct.
- (2) When the Budget is returned to the Board by the Government for making any modification, the Board shall make the modification and re-submit the Budget so modified to the Government for proposal.

Supplementary Budget.

19. ²“The Chairman or in his absence, the Vice 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 Sections 17 and 18 shall apply to such Budget.

Publication of sanctioned Schemes.

20. After the Budget is approved by the Government, the Board shall cause the Housing Schemes in respect of which provisions has been made in the Budget, to be published in the Officials Gazette and in local papers in such manner as may be prescribed.

Variation of Housing Scheme.

21. The Board may alter a Housing Scheme or any part thereof included in the Budget as approved by the Government, provided that no alteration shall be made if it involves an expenditure in excess of 10 percent of the amount allocated for that particular scheme in the Budget or if it effects the scope or purpose of such Scheme.

¹Substituted by Act 7 of 1993, Section 6, Earlier the words read as “the Chairman”

²Substituted by Act 7 of 1993, Section 6, Earlier the words read as “the Chairman”

Vesting of road or of a local authority or District Council in the Board.

22. (1) Whenever any road, land or any part thereof situated in any area within a local authority or District Council of vested in a local authority or District Council in required for the purpose of any programme of Housing Scheme, the Board shall move the local authority or District Council as the case may be for vesting of the road, land or any part thereof in the Board.
- (2) Where the local authority or District Council agrees to the vesting of such road, land or any part thereof in the Board, the same shall vest in the Board according to such terms and conditions as may be agreed upon.
- (3) Where the local authority or District Council does not agree or fails to agree to the Boards proposal, the Board shall refer the matter to the Government for decisions.

Power of the Board to divert or close any public road vested in it.

23. (1) The board may for the purpose of carrying out any programme of any Housing Scheme and after public notice is given, divert the public use of, or close any road or part thereof vested in the Board.
- (2) Whenever the Board closes the public use of any road or any part thereof vested in it, it shall provide some other alternative means of access to those entitled to the use of such road or part thereof.
- (3) No compensation whatsoever shall be paid to any person effected by the closing of any road or part thereof vested in the Board.

Vested of road, open space, etc. Made by the Board in a local authority, etc., Public purposes.

24. The Government may, at the request of the Board, with respect to any road, street, lane or open space for purpose of recreation made and developed under the housing Scheme, declare such road, street or lane to be a public road, street or lane or an open space for public recreation and transfer it for future improvement and maintenance to any agency of the Government or local authority.

Other duties of the Board.

25. (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 that purpose do all things such as,-
- (a) unification, simplification and standardisation of building materials;
- (b) encouraging pre-fabrication and mass production of building components;

- (c) organising 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 work-men 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 when required by the Government so to do.

(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 conditions and to undertake comprehensive surveys of problems of housing.

Mode of disposal of Housing Units. 26. All buildings constructed by the Board shall be disposed of by the board by letting out, lease, sale or hire purchase or otherwise.

Maintenance of Housing Units of disposed of. 27. In case of rental buildings or Housing Units which cannot be disposed of immediately, the Board shall be responsible for their maintenance.

CHAPTER IV ACQUISITION AND DISPOSAL OF LAND

Power to purchase or lease by agreement. 28. (1) The Board may enter into an agreement with any person for the acquisition by purchase, lease, exchange or otherwise of any land or any interests therein which is needed for the purpose of Housing Schemes and such agreement may provide for compensation the owners thereof.

Power to evict person 29. (1) Notwithstanding anything to the contrary containing in any other law for the time being in force, if the competent authority is satisfied-

(a) that the person authorised to occupy any Board premises-

(i) has not paid rent lawfully due from him in respect of the premises for a period of more than two months, or

- (ii) has sublet without the permissions of the Board the whole or any part of the premises, or
 - (iii) has otherwise acted in contravention of any of the terms and conditions under which he is authorised to occupy such premises, or
- (b) that any person is in unauthorised occupation of any Board premises, the competent authority may, by notice served upon the person or persons in occupation of the premises by registered post or otherwise or by affixing a copy of the notice on the outer door or some other conspicuous part of the premises, order that the person as well as any other person who may be in occupation of the whole or any part of the said premises vacate them within one month from the date of the service of the notice.
- (2) Before an order under sub-section (1) is made against any person, the competent authority shall inform the person by notice in writing of the grounds on which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made within a period to be specified in the notice.
- (3) The competent authority may, on application and for sufficient cause shown, grant extension of the period specified in the notice served under sub-sections (1) or (2) as it deems fit.
- (4) Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the records of the case, and such person shall be entitled to appear in the proceedings either in person or by an authorised agent or by a pleader.
- (5) If any person refuses or fails to comply with the order made under sub-section (1), the competent authority may evict that person from and take possession of the premises and may, for that purposes, use such force as may be necessary.
- (6) If any person who has been ordered to vacate any premises under sub-clauses (i) or (iii) of clause (a) of sub-section (1) within one month 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 areas or carries out or otherwise complies with the terms and conditions contravened by him to the satisfaction of the competent authority, the competent authority shall, in lieu of eviction of such person under the section, cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms and conditions on

Explanation:

For the purpose of this Section and Sections 30 the expression “Un-authorised Occupation” in relation to any person authorised to occupy any Board premises includes the continuance in occupation by him or by any person claiming through or under him beyond the period of authorised occupation.

Power to recover rent, loan or damages as arrears.

30. (1) Subject to rules made by the Government in this behalf and without prejudice to the provisions of section 29, where any person is in arrears of rent payable in respect of any Board premises, or is in arrears of repayment of any loan or interest under any Housing Scheme, the competent authority may, by notice served in the manner laid down in sub-section (1) of Section 29, order that person to pay the same within such time not being less than fifteen days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent, loan or interest, as the case may be, within the time specified in the notice, such arrears may be recoverable from him as an arrears of land revenue.
- (2) Where any person is in unauthorised occupation of any Board premises, the competent authority may, in the prescribed manner, asses the damages on account of the use and occupation of the premises and may, by notice served-
- (a) by registered post or otherwise, or
 - (b) by affixing a copy of the notice on the outer day or some other conspicuous part of such premises, or
 - (c) in such other manner as may be prescribed,
- order that person to pay the damage within such time 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 shall be recoverable from him as arrears of land revenue.
- (3) No order under sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling on him to show cause within such period as may be specified in such notice, why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.

Appeal.

31. Any person aggrieved by an order of the competent authority either under Section 29 or 30 may, within one month from the date of service of such order, prefer an appeal to the Meghalaya Board of Revenue:

Provided that the Board of Revenue may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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

32. (1) Without prejudice to the provision of Section 29 or 30, where any person who is an employee of the Central or State Government, a Local Authority, District Council or of a Private Employer has been allotted with any Board premises he may execute an agreement in favour of the Board to the effect that the Central or State Government, the Local authority, District Council or Private Employer, as the case may be, under or by whom he is employed, shall be competent to deduct from that salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due from him in respect of the Board Premises allotted in him.
- (2) On the execution of such agreement, the Central or State Government, the Local Authority, District Council or Private Employer 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 in accordance with the agreement and pay the amount so deducted to the Board.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Board's Fund.

33. (1) The Board shall have its own fund called the Housing Board Fund into which shall be credited all money received-
- (a) by way of grants, subdivision, donation and gifts from the Central Government or any State Government, Local Authority, District Council or anybody or individual 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 well as all proceeds from the sale of land or any other kind of property of the Boards, all rents, interests, profits, and other moneys accruing to the Board.
- (2) Except as otherwise directed by the Government, the Board may deposit its funds in one or more Banks or invest them in Securities, or partly in one and partly in the other;

Provided that in case of investment in securities, the same shall be done only with prior approval of the 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.

Application of the fund.

34. All properties, funds and other assets of the board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

Subvention and loans to the Board.

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

Power of the Board to borrow.

36. (1) Subject to the provisions of this Act and with the previous approval of the Government, the Board may, from time to time, borrow money required for the purposes of this Act from the public or from any corporation owned or controlled by the Central or any State Government.

(2) Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sums or any part thereof from the public, take credit from any bank or any financial institution owned or controlled by the Central or any State Government on a cash account to be kept in the name of the Board and may with the previous sanction of the Government, mortgage all or any of the properties vested in the Board as security for such credit.

(3) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the Board may, for the promotion and execution of any Housing Scheme, enter into financial arrangement with the Life insurance Corporation of India, any Bank or other financial institutions approved by the Government.

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

Guarantee by the Government.

37. The Government may guarantee 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.

Forms of debentures.

38. (1) Whenever money is borrowed by the Board by issue of debentures, the debentures shall be in such form as the Board may, with the previous sanction of the Government, specify.
- (2) ¹“All debentures issued by the Board shall be signed jointly by-
- (a) the Chairman or, in his absence, the Vice Chairman;
and
- (b) the Housing Committee”.

Expenditure in case of urgency.

39. (1) Where, in the opinion of the Board, circumstances of urgency have arisen, the Board may incur in any year recurring expenditure not exceeding rupees fifty thousands and non-recurring expenditure not exceeding rupees two lakhs notwithstanding that such expenditure has not been included in the Budget approved by the Government.
- (2) Where any expenditure is incurred under sub-section (1), a report thereon, indicating the source from which the expenditure was made, shall be sent, as soon as practicable, to the Government for approval.

Accounts and Audit.

40. (1) The Board shall cause to be maintained proper books of accounts and such other records as the rules may require and shall prepare in accordance with the rules a statement of accounts for each financial year.
- (2) The accounts of the Board shall be audited once a year by authorised auditors (Chartered 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 auditors to the Government and shall cause the accounts to be published in the official Gazette not later than four months after 31st March every year.
- (4) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

¹Substituted by Act 7 of 1993, Section 8, Earlier the words reads as “All debentures issued by the Board shall be signed by the Chairman and the Housing Commissioner of the Board”.

**Concurrent and
Special
Audit of
Accounts.**

41. (1) Notwithstanding anything contained in Section 40, the Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The Government may also direct special audit 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.

**CHAPTER VI
MISCELLANEOUS**

Reports.

42. The Board shall, on such, date and in such form and at such intervals as may be prescribed, submit to the Government a report on such matters as may be required and the 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 may be after it is published.

**Other
Statements and
returns.**

43. The Board shall submit to the Government such statistics, returns, particulars, statements; documents or papers in regard to any proposed or existing scheme 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 Government may, from time to time, direct.

Power of entry.

44. ¹“The Chairman, the Vice-Chairman” or any person, either generally or specially authorised by the Chairman in this behalf, may enter upon the Board’s own land or in any land with prior consent of its owner or person in occupation of the land, in order to-
- (a) make any inspection, survey, measurement, valuation or enquiry.
 - (b) cut, dig or bore into sub-soils;
 - (c) set boundaries and intended lines or work;
 - (d) do any other think for any of the purposes of Housing Scheme under this Act;

¹Substituted by Act 7 of 1993, Section 4. Earlier the words read as “Chairman”.

Provided that-

- (a) no such entry shall be made between sunset and sunrise;
- (b) sufficient notice shall be given for any entry;
- (c) 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;
- (d) due regard shall be given, 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.

Valuation of assets and liabilities of the Board.

45. The Board shall at the end of every five years, make a valuation of its assets and liabilities and may appoint a person approved by the Government for this purpose;

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

Power of the Board to construct buildings.

46. Notwithstanding anything contained in this Act, the board may undertake construction of buildings on behalf of the Government, a Local Authority, District Council or a Corporation or Undertaking owned or controlled by the Government or a Co-operative Society registered under the Meghalaya Co-operative Societies Act, subject to such terms and conditions as may be agreed upon in pursuance of a contract.

Government's power to give direction to the Board.

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

Power to order enquiries.

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

Default in performance of duties and supersession.

49. (1) If the Government is satisfied that the Board has defaulted in performing any duty imposed on it by or under this Act, it may fix a period for the 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 reconstitute 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 as it may appoint for this purpose.

Dissolution of the Board.

50. (1) The Government, if it is satisfied that in public interest it is necessary so to do, may, by notification in the Official Gazette, dissolve the Board with effect from such date as it may specify and the Board shall stand dissolved accordingly.
- (2) On the dissolution of the Board under sub-section (1)-
- (a) all properties, funds, interests and rights which vest in the board shall vest in the Government; and
- (b) all liabilities enforceable against the board shall be enforceable against the Government.
- (3) Nothing in this section shall effect the liability of the Government in respect of loans or debentures guaranteed under Section 37.
- (4) Every notification made under sub-section (1) shall be laid before the House of the State Legislature as soon as may be.

Act not to contravene Meghalaya Act I of 1971.

51. No land or building or any interest therein vested in the Board or in any person under the provisions of this Act or under the Rules, Regulations or Bye-Laws made thereunder shall be leased out, sold, exchanged or otherwise transferred by the Board or by such person in contravention of the Meghalaya Transfer of Land (Regulation) Act, 1971 as amended.

Power to make rules.

52. (1) The 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 power, such Rules may be made for all or any of the following matters, namely:-

- (a) the allowances of members and remuneration and conditions of service of the Chairman;
- (b) the manner and form in which contracts shall be entered into;
- (c) application forms and particulars of housing schemes and terms and conditions for grant of loan under housing scheme;
- (d) the manner of publication of housing schemes included in the Budget;
- (e) the forms of notices under Sections 29 and 30;
- (f) the procedure to be followed in taking possession of any board premises under Section 29;
- (g) the manner in which assessment may be made under Section 30;
- (h) the manner in which appeals may be preferred under Section 31;
- (i) the conditions subject to which the Board may borrow any sum under Section 36;
- (j) the manner of preparation, maintenance and publications of accounts under Section 40;
- (k) submission of reports, returns, etc., under Sections 42 and 43;
- (l) the manner in which the Board shall be superseded and reconstituted under Section 49;
- (m) qualification and other conditions of service of the Housing Commissioner and other officers of the Board whose appointment needs prior approval of the Government;
- (n) any other matter which is or may be prescribed under this Act.

Power to make Regulations.

53. The Board may, from time to time with the previous sanction of the Government, make regulations consistent with this Act and the rules made thereunder-
- (a) for the management, allotment and use of the buildings tenements, hutments and premises constructed under a housing scheme;

- (b) for the remuneration and conditions of service of the officers and employees appointed by the Board.
- (c) for delegation of financial powers to ¹“the Chairman, the Vice-Chairman” and the Housing Commissioner and other officers;
- (d) for regulating the procedure of disposal of its business.

Power to make Byelaws.

54. (1) The Board may make bye-laws not inconsistent with this Act and the Rules and Regulations framed thereunder, which may be necessary or expedient for the purposes of carrying out its duties and functions.
- (2) A bye-law made under this Section may provide that a contravention thereof shall be an offence.
- (3) No bye-law made by the Board shall come into force until it has been confirmed by the Government.
- (4) All bye-laws made under this section shall be published in the Official Gazette.

Penalty for contravention of a bye law.

55. Whoever contravenes a bye-laws made under Section 54 shall, on conviction, be punished with imprisonment for a term which may extend up to two months or with a fine which may extend up to five hundred rupees or with both.

Authority for prosecution.

56. No Court shall take cognizance of any offence punishable under this Act, except on a complaint from the Board or a person authorised by the Board by general or special order in this behalf.

Members Officers and employees of to be public servants.

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

Protection of action taken under the Act.

58. No suit, prosecution or other legal proceedings shall lie against the board, the Government or any person for anything which is in good faith done or intended to be done under this Act.

¹Substituted by Act 7 of 1993, Section 4. Earlier the words read as “Chairman”.

Penalty for obstructing exercise of powers.

59. Any person who obstructs the lawful exercise of any power conferred by or under Chapters III, IV and V of this Act, shall, on conviction, be punished with a fine not exceeding five hundred rupees or with imprisonment for a term not exceeding two months or with both.

Repeal of Ordinance 1 of 1960.

60. The Meghalaya State Housing Board Ordinance, 1986 is hereby repealed.

THE UNDERLINED TEXT INDICATES THE INSERTION/SUBSTITUTION OF THE SUBSEQUENT AMENDMENTS TO THE MEGHALAYA STATE HOUSING BOARD ACT, 1986 (ACT NO. 7 OF 1986), AMENDED AND UPDATED UPTO THE YEAR – ACT 4 OF 1990, ACT 7 OF 1993.