

HARYANA HOUSING BOARD ACT, 1971.

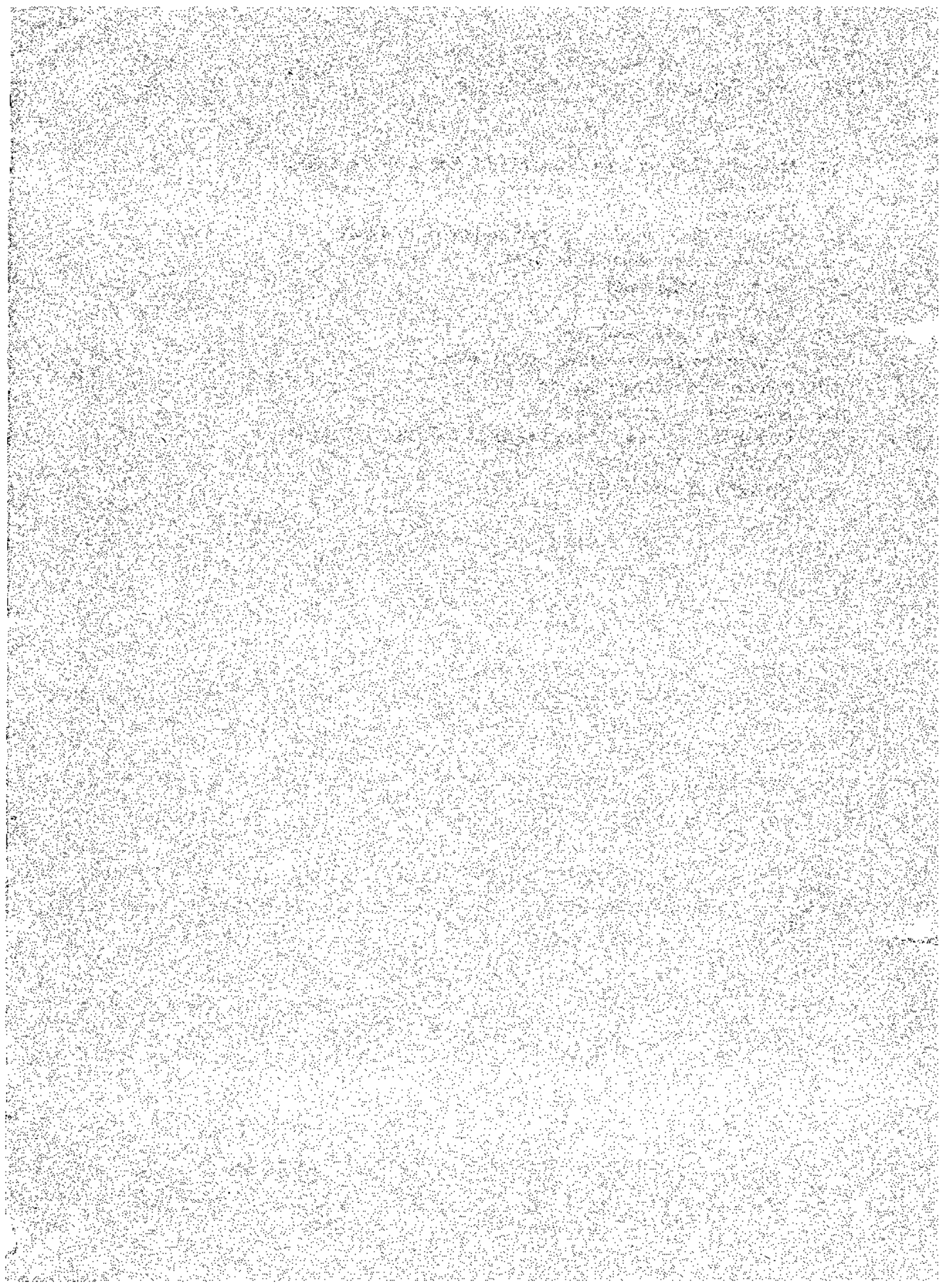
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**THE HARYANA HOUSING BOARD ACT, 1971
(HARYANA ACT 20 OF 1971) AS EXTENDED
TO THE UNION TERRITORY
OF CHANDIGARH**

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by Legislation
1971	20	The Haryana Housing Board Act, 1971	Extended to the Union Territory of Chandigarh by the Government of India, Ministry of Home affairs (1) notification No. G. S. R. 7 (E) dated the 14th January, 1975

An Act to provide for measures to be taken to deal with and satisfy the need of housing accommodation

Be it enacted by the Legislature of the State of Haryana in the Twenty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Haryana Housing Board Act, 1971.

Short title, extent and commencement.

(2) It extends to the whole of the Union Territory of Chandigarh.

(3) It shall come into force on such date as the Administrator may by notification appoint in this behalf.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "adjoining area" means such area as may be specified to be an adjoining area under section 21;

¹This notification was published in the Gazette of India (Extraordinary), Part II, section 3(i), dated the 14th January, 1975.

- (aa) "Administrator" means the Administrator of the Union Territory of Chandigarh appointed by the President under article 239 of the Constitution;
- (b) "Board" means the Housing Board, Chandigarh, 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 the Board under this Act for management and use for the purposes of his Act;
- (d) "building materials" means such commodities or articles as are specified by the Administrator by notification to be building materials for the purposes of this Act;
- (e) "bye-laws" means bye-laws made under section 75;
- (f) "Chairman" means the Chairman of the Board;
- (g) "competent authority" means any person authorised by the Administrator, 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;
- (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 the Chief Administrator exercising powers of a Municipality or any functionary thereof under subsection (1) of section 7A of the Capital of

Punjab (Development and Regulation) Act, 1952 (Punjab Act 27 of 1952) or a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952 (Punjab Act 4 of 1953), or a Panchayat Samiti or a Zila Parishad constituted under the Punjab Panchayat Samities and Zila Parishads Act, 1961 (Punjab Act 3 of 1961), or an Improvement Trust constituted under the Punjab Town Improvement Act, 1922 (Punjab Act 4 of 1922);

(k) "member" means a member of the Board and includes the Chairman;

(l) "premises" means any building or part of a building and includes,—

(i) gardens, grounds and out-houses, if any, appertaining 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;

(m) "prescribed" means prescribed by rules;

(n) "programme" means the annual housing programme prepared by the Board under section 23;

(o) "regulations" means regulations made under section 74;

(p) "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;

(q) "Secretary" means the Secretary of the Board;

(r) "Tribunal" means the Tribunal specified under section 46; and

(s) "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

Establishment
and constitution
of Board.

3. (1) With effect from such date as the Administrator may, by notification appoint in this behalf, there shall be established for carrying out the purposes of this Act a Board to be known as "the Housing Board, Chandigarh", with headquarters at such place as the Administrator may specify.

(2) The Board shall, by the name aforesaid, be a body corporate having perpetual succession and a common seal, and subject to any restriction by or under this Act or the rules made thereunder, shall have the power to acquire, hold, administer and transfer property, movable or immovable, and to enter into contracts, and shall 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 Act 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) The Board shall consist of a Chairman and seven other members appointed by the Administrator.

(5) The Chairman or a member may at any time resign his office by submitting his resignation to the Administrator :

Provided that the resignation shall not take effect until it is accepted.

(6) Until the Board is established and constituted in accordance with the provisions of the preceding sub-sections, the Administrator may constitute a Board consisting of one person, who shall be an officer employed in connection with the affair of the Union Territory of Chandigarh to be appointed by the Administrator, and a Board so constituted shall, as from the commencement of this Act, be deemed to be the Board established and constituted for the purpose of carrying out all the provisions of this Act.

4. The East Punjab Urban Rent Restriction Act, 1949, shall not apply nor shall be deemed to have ever applied, to any land or building belonging to or vesting in the Board under or for the purposes of this Act, and as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building but shall apply to any land or building let to the Board.

Non-applicability of East Punjab Act 3 of 1949.

5. The Administrator may, from time to time, grant to the Chairman such leave as may be admissible under the rules made under this Act and any person whom the Administrator appoints to act for the Chairman during such absence on leave shall, while so acting, be deemed for all purposes of this Act to be the Chairman.

Leave of absence of Chairman.

6. (1) A person shall be disqualified for being appointed or for continuing as the Chairman or member of the Board, if he,—

Disqualifications.

- (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 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.

(2) A person shall not be disqualified under clause (d) or clause (e) of sub-section (1) 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.

(3) A person shall not also be disqualified under clause (d) or clause (e) of sub-section (1) 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 Administrator the nature and extent of the shares held by him.

Terms of office
and conditions
of service.

7. (1) Every member shall hold office for a period of three years from the date of his appointment :

Provided that after the expiry of the period of his appointment, a person shall be eligible for reappointment as a member.

(2) Every member shall receive such salary and allowances as may be prescribed.

(3) The salary and allowances to the members shall be paid from the fund of the Board and such salaries and allowances and other conditions of service shall be such as may be prescribed.

8. (1) If a vacancy occurs in the office of Chairman or member by death, resignation, removal, disqualification or otherwise, the vacancy shall be filled by the Administrator by appointing a new Chairman or member to that office.

Filling of vacancies.

(2) A Chairman or any member appointed to fill the vacancy shall, notwithstanding anything contained in section 7, hold office for the unexpired portion of the term of his predecessor.

9. No disqualification of, or defect in the appointment of, any person acting as a 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.

Proceedings presumed to be good and valid.

10. If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of performing his duties or is absent on leave or on any other ground not resulting in the cessation of his membership, the Administrator may appoint another person to officiate for him and perform his duties under this Act, or any rule or regulation made thereunder.

Temporary absence of members.

11. (1) The Administrator may appoint a Secretary of the Board on such terms and conditions of service as he may deem fit.

Officers and servants of Board.

(2) The Board may create such other posts and appoint such other officers and servants thereto as it may consider necessary for the efficient discharge of its duties :

Provided that the previous sanction of the Administrator shall be necessary,—

(a) for the creation of any post if either the minimum of the pay scale of the post exceeds eight hundred rupees per month or the maximum of the pay scale thereof exceeds one thousand, two hundred and fifty rupees per month; or

(b) for the appointment, whether by promotion or otherwise, of any person to such post if the initial pay thereof exceeds eight hundred rupees per month or the maximum of the pay scale of the post exceeds one thousand two hundred and fifty rupees per month.

(3) Subject to the provisions of sub-section (1), the conditions of service, functions and duties of the officers and servants of the Board shall be such as may be determined by regulations.

Provident Fund.

12. (1) The Administrator shall establish a Contributory Provident Fund for the officers and servants of the Board and such Provident Fund (hereinafter called "the Fund") shall, notwithstanding anything contained in section 8 of the Provident Fund Act, 1925, be deemed to be a Government Provident Fund for the purposes of the said Act.

(2) The Board shall in respect of each of its employees who is a subscriber to the Fund, pay into the Fund such portion of the contribution in such manner as the Administrator may, from time to time, determine.

General disqualifications of officers and servants.

13. No person who has, directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board, otherwise, than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

Appointment of Committees.

14. Subject to any rules made under this Act, the Board may, from time to time, and for any particular local area appoint one or more committees for the purpose of discharging such duties or performing such functions as it may delegate to them and any such committee may discharge such duties or perform such functions with due regard to the circumstances and requirements of that local area.

Meetings of the Board.

15. The Board shall meet and shall from time to time make such bye-laws with respect to the day, time, place, notice, management and adjournment of

its meetings as it thinks fit, subject to the following provisions, namely:—

- (a) an ordinary meeting shall be held once at least every month;
- (b) the Chairman may, whenever he thinks fit, call special meetings;
- (c) every meeting shall be presided over by the Chairman and in his absence by any member chosen by the members present at the meeting for the occasion;
- (d) the quorum for every meeting shall be one-half of the number of members actually serving for the time being;
- (e) all questions at any meeting shall be decided by a majority of the members present and voting and in the case of equality of votes, the person presiding shall in addition to his vote as a member, have second or casting vote; and
- (f) 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 Administrator.

16. (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

Association
of persons with
Board.

(2) A person 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 Administrator may, by order, depute his representatives to attend any meeting of the Board, on such items or subjects as the Administrator may

specify, but such representatives shall not have the right to vote.

Power to make contract.

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

Execution of contract.

18. (1) Every contract shall be made in the name of the Board and shall be signed for and on behalf of the Board by the Chairman :

Provided that no contract involving an expenditure of five lakhs rupees or more shall be made without the previous sanction of the Administrator unless the Administrator permits the Board in writing to make a contract involving an expenditure exceeding five lakhs rupees.

(2) Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

(3) Every contract by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(4) A contract not made or executed as provided in this section and the rules made thereunder shall not be binding on the Board.

Delegation of Board's powers to sanction contracts.

19. Subject to any rules, which the Administrator may make in this behalf, the Board may by order direct that the power conferred on it under section 18 to sanction a contract shall be exercised by the Chairman or any other officer authorised by it in the order.

CHAPTER III

HOUSING SCHEMES

Duty of Board to undertake housing schemes.

20. Subject to the provisions of this Act and subject to the control of the Administrator, the Board may incur expenditure and undertake works in any

area for the framing and execution of such housing schemes as it may consider necessary from time to time or as may be entrusted to it by the Administrator.

21. 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 :—

Matter to be provided for by housing schemes.

- (a) acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;
- (b) acquisition by purchase, exchange or otherwise of any land, 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 relaying out of any land comprised in the scheme;
- (d) distribution or re-distribution of sites belonging to owners of property comprised in the scheme;
- (e) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;
- (f) demolition of obstructive buildings or portions of buildings;
- (g) the construction and re-construction of buildings, their maintenance and preservation;
- (h) sale, letting or exchange of any property comprised in the scheme;
- (i) construction and alteration of streets and back lanes;
- (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 arrangements 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; and
- (q) any other matter for which, in the opinion of the Administrator, 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 Administrator 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.

22. (1) No housing scheme shall be made under this Act for any area for which an improvement scheme has been sanctioned by the Administrator under the Punjab Town Improvement Act, 1922, 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

No housing scheme to be made for area included in improvement scheme or be inconsistent with town planning scheme.

included in a town planning scheme sanctioned by the Administrator under the Punjab Municipal Act, 1911, or other enactment for the time being in force.

(2) If any dispute arises whether a housing scheme made under this Act includes any area included in an improvement scheme sanctioned under any enactment referred to in sub-section (1) or contains anything inconsistent with any matter included in a town planning scheme sanctioned under the Punjab Municipal Act, 1911, or any other enactment for the time being in force, the same shall be referred to the Administrator whose decision shall be final.

23. (1) Before the first day of December in each year, the Board shall prepare and forward to the Administrator in such form as may be prescribed,—

Preparation and submission of annual programme, budget and establishment schedule

(i) a programme;

(ii) a budget for the next year; and

(iii) a schedule of the staff of officers and servants already employed and to be employed during the next year.

(2) The programme shall contain,—

(i) such particulars of housing schemes which the Board proposes to execute whether in part or whole during the next year as may be prescribed;

(ii) the particulars of any undertaking which the Board proposes to organise or execute during the next year for the purpose of the production of building materials; and

(iii) such other particulars as may be prescribed.

(3) The budget shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year.

Sanction to programme, budget and establishment schedule.

24. The Administrator may sanction the programme, budget and the schedule of the staff of officers and servants forwarded to it with such modification as it deems fit.

Publication of sanctioned programme.

25. The Administrator shall publish the programme sanctioned by it under section 24 in the Chandigarh Gazette.

Supplementary programme and budget.

26. The Board may, at any time during the year, in respect of which a programme has been sanctioned under section 24, submit a supplementary programme and budget and the additional schedule of the staff, if any, to the Administrator and the provisions of section 24 and 25 shall apply to such supplementary programme.

Variation of programme by Board after it has been sanctioned.

27. The Board may, at any time, vary any programme or any part thereof sanctioned by the Administrator :

Provided that no such variation shall be made if it involves an expenditure in excess of ten per centum of the amount as originally sanctioned for the execution of any housing scheme included in such programme or affects its scope or purpose.

Sanctioned housing scheme to be executed.

28. After the programme has been sanctioned and published by the Administrator under sections 24 and 25, the Board shall, subject to the provisions of section 27, proceed to execute the housing schemes included in the programme.

Publication of housing scheme in the Chandigarh Gazette.

29. (1) Before proceeding to execute any housing scheme under section 28, 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.

(3) The Board shall then by notification publish the final scheme. The notification shall specify that the plan showing the area included in the final scheme and the surrounding lands and other particulars as may be prescribed shall be open to inspection of the public at all reasonable hours at the office of the Board.

(4) The publication of a notification under subsection (3) shall be conclusive evidence that the said scheme has been duly framed.

30. (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 Administrator, the Board shall give notice accordingly to the local authority.

Transfer to Board for purpose of housing scheme of land vested in a 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 Administrator. The Administrator shall, after hearing the parties, decide the matter. The decision of the Administrator shall be final. If the Administrator 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.

31. (1) Where any land vests in the Board under the provisions of section 30 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 34, no compensation shall be payable by the Board to the local authority in respect of that land.

Compensation in respect of land vested in Board.

(2) Where any land vests in the Board under section 30 and no declaration is made under sub-section (1) in respect of the land, the Board shall pay to the 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 re-vest 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).

Power of Board
to turn or close
public street
vested in it.

32. (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 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.

objection relating to the scheme, the Board shall consider such suggestion or objection and may modify the scheme as it thinks fit.

(3) The Board shall then by notification publish the final scheme. The notification shall specify that the plan showing the area included in the final scheme and the surrounding lands and other particulars as may be prescribed shall be open to inspection of the public at all reasonable hours at the office of the Board.

(4) The publication of a notification under sub-section (3) shall be conclusive evidence that the said scheme has been duly framed.

30. (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 Administrator, the Board shall give notice accordingly to the local authority.

Transfer to Board for purpose of housing scheme of land vested in a 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 Administrator. The Administrator shall, after hearing the parties, decide the matter. The decision of the Administrator shall be final. If the Administrator 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.

31. (1) Where any land vests in the Board under the provisions of section 30 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 34, no compensation shall be payable by the Board to the local authority in respect of that land.

Compensation in respect of land vested in Board.

(2) Where any land vests in the Board under section 30 and no declaration is made under sub-section (1) in respect of the land, the Board shall pay to the 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 re-vest 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).

Power of Board
to turn or close
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vested in it.

32. (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 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.

33. If there is any dispute as to whether any compensation is payable under section 31 or section 32 or as to the amount of compensation payable under section 31 or section 32, as the case may be, the matter shall be referred to the Tribunal.

Reference to Tribunal in case of dispute under sections 31 and 32.

34. (1) Whenever the Administrator is satisfied,—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the programme sanctioned by the Administrator under section 24 or varied under section 27 or modified under section 29;

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

(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 Administrator 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 Administrator whose decision shall be final.

Other duties of
Board

35. It shall be the duty of the Board to take measures with a view to expediting and cheapening construction of buildings and the Board may for that purpose do all things for—

- (a) unification, simplification and standardisation of building materials;
- (b) encouraging pre-fabrication and mass production of house components;
- (c) organising or undertaking the production of building materials required for the housing schemes;
- (d) encouraging research for discovering cheap building materials and evolving new methods of economic construction;
- (e) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

Board to
assume
management of
requisitioned
lands.

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

Reconstitution of
plots

37. 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 severally 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.

38. The provisions of section 21 and sections 23 to 29 (both inclusive) shall not be applicable to any housing scheme entrusted to the Board by the Administrator except to such extent and subject to such modifications as may be specified in any general or special order made by the Administrator and every such order shall be published in the Chandigarh Gazette.

Scheme entrusted to Board by Administrator

CHAPTER IV

ACQUISITION AND DISPOSAL OF LAND

39. (1) The Board may enter into an agreement with any person or the Administrator 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.

Power to purchase, lease or acquire land.

Provided that the previous approval of the Administrator shall be obtained in case of purchase or exchange involving land worth more than one lakh rupees or lease for more than five years.

(2) The Board may, from such date as the Administrator 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.

40. (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

Betterment charges.

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.

Notice to
person liable
for betterment
charges.

41. (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.

42. (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.

Agreement for payment of betterment charges.

(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.

43. All sums payable in respect of any land by any person in respect of betterment charges under section 40 or by any person under an agreement under section 42 shall be recoverable on behalf of the Board as arrears of land revenue.

Recovery of betterment charges.

44. Subject to any rules made by the Administrator under this Act, the Board may retain, lease, sell, exchange 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.

Power to dispose of land.

45. (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 reconstitution 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.

Disputes regarding reconstitution of plots.

(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.

CHAPTER V

TRIBUNAL

Tribunal

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

Duties of
Tribunal

47. The Tribunal shall—

- (a) decide whether any compensation is payable under section 31;
- (b) decide the amount of compensation in matters referred to it under section 33;
- (c) decide disputes relating to betterment charges referred to it under section 41;
- (d) decide disputes and the amount of compensation to be awarded under section 45; and
- (e) decide such other matters as may be prescribed by the rules made in this behalf.

Powers of and
procedure
before
Tribunal

48. (1) In making enquiries 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.

Decision of
Tribunal to be
final

49. The decision of the Tribunal on any matter referred to it under this Act, shall, subject to the provision of section 50, be final.

50. 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.

Appeal to the High Court.

CHAPTER VI

POWER TO EVICT PERSONS FROM BOARD PREMISES

51. (1) If the competent authority is satisfied,—

Power to evict persons from Board premises.

(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 unauthorised 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 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 (ii) 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 (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.

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

52. (1) Subject to any rules made by the Administrator in this behalf and without prejudice to the provisions of section 51, where any person is in arrears of rent payable in respect of any Board premises, 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 within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised 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 damages 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 arrears of land revenue.

53. (1) Without prejudice to the provisions of section 51, any person, who is an employee of the Administrator or a local authority and who has been allotted any Board premises, may execute an agreement in favour of the Administrator providing that the Administrator or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the 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 to him.

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

(2) On the execution of such agreement, the Administrator 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.

54. (1) Any person aggrieved by an order of the competent authority under section 51 or section 52 may, within thirty days from the date of the service of the notice under section 51 or section 52, as the case may be, prefer an appeal to the District Judge of the District in which the premises of the Board are situated or such other Judicial Officer in that District as the Administrator may appoint in this behalf.

Appeal

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 subsection (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.

Finality of
orders and bar
of jurisdiction
of Civil Courts

55. (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

Board's Fund.

56. (1) The Board shall have funds called the Housing Board Fund.

(2) The Board may accept grants, subventions, donations and gifts from the Central 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) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interest, profits and other moneys accruing to the Board, shall constitute the Housing Board Fund.

(4) Except as otherwise directed by the Administrator, 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 India or in any Scheduled Bank or a Co-operative Bank or invested in such securities as may be approved by the Administrator.

(5) Such accounts shall be operated upon by such officers as may be authorised by the Board.

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.

57. All property, the Housing Board, and Fund, and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

Application of
the Housing
Board Fund.

58. (1) Where in the opinion of the Board circumstances of extreme urgency have arisen, it shall be lawful for the Board to make for the purpose of this Act in any year, an expenditure of such amount as may be prescribed, notwithstanding the fact that such expenditure has not been included in its annual programme or supplementary programme sanctioned by the Administrator or the variation of the programme made under section 28.

Expenditure in
case of urgency,
etc..

(2) Where any sum is expended under circumstances of extreme urgency as provided in subsection (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 Administrator.

(3) The Board may, within the budget sanctioned by the Administrator, 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 reappropriation to the Administrator.

59. (1) The Administrator may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the Administrator may determine.

Subventions
and loans to
Board.

(2) The Administrator may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the Administrator may determine.

60. (1) The Board may from time to time, with the previous sanction of the Administrator and subject

Power of Board
to borrow.

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.

(2) The rules made by the Administrator for the purposes of this section 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 Administrator, may from time to time determine.

(4) Every debenture shall be signed by the Chairman.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Central Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the Central Government.

Accounts and
audit.

61. (1) The Board shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Board shall cause its accounts to be audited annually by such persons as the Administrator may direct.

(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 Administrator and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at reasonable price.

(4) The Board shall comply with such directions as the Administrator may after perusal of the report of the auditor think fit to issue.

Concurrent and
special audit of
account.

62. (1) Notwithstanding anything contained in section 61 the Administrator may order that there

shall be concurrent audit of the accounts of the Board by such person as it thinks fit. The Administrator may also direct a special audit to be made by such person as he 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) 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 he may require for the purpose of audit.

63. (1) The Administrator 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 Administrator may deem fit, for the purposes of this Act.

Transfer of assets and liabilities.

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

CHAPTER VIII MISCELLANEOUS

64. The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the Administrator a report on such matters as may be prescribed and the Administrator shall cause such report to be published in the Chandigarh Gazette.

Report.

65. The Board shall also submit to the Administrator such statistics, returns, particulars or statements in regard to any proposed or existing housing schemes at such times and in such form and manner as may be prescribed or as the Administrator may from time to time direct.

Statements and returns.

66. The Chairman or any person either generally or specially authorised by the Chairman in

Power of entry.

this 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 shall in every instance 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.

67. 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 of the cause thereof, nor after six months from the date of the act complained of.

Notice of suit
against Board.

68. The Board shall triennially have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Administrator :

Triennial
valuation of
assets and li-
abilities of
Board.

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

69. 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.

Members, Offi-
cers and Ser-
vants of Board
to be Public
servants.

70. 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.

Indemnity.

71. The Administrator may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections and it shall be the duty of the Board to comply with such directions.

Power of
Administrator
to give direc-
tion to Board.

72. (1) If the Administrator is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, he may fix a period for the performance of that duty.

Default in
performance
of duty.

(2) If in the opinion of the Administrator the Board fails or neglects to perform such duties within the period so fixed for its performance, it shall be lawful for the Administrator, notwithstanding anything contained in section 7, to supersede and reconstitute the Board in the prescribed manner.

(3) After the supersession of the Board and until it is reconstituted, the powers, the duties and functions of the Board under this Act shall be carried on by the Administrator or by such officer or officers as the Administrator may appoint in this behalf.

Power to make rules.

73. (1) The Administrator 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 salary, allowances and conditions of service of members under section 7;

(b) the manner and form, in which contracts shall be entered into under section 18;

(c) the form of annual housing programme, budget and schedule of staff of officers and servants, particulars of housing schemes and other particulars to be contained in the programme under section 23;

(d) the form of notice under section 41;

(e) the rate of interest under section 42;

(f) the forms of notice under sections 51 and 52 and any other manner in which they may be served;

(g) the procedure to be followed in taking possession of any Board premises under section 51.

- (h) the manner in which damages under section 52 may be assessed;
- (i) the manner in which appeals may be preferred under section 54 and the procedure to be followed in such appeals;
- (j) the conditions subject to which the Board may borrow any sum under section 60;
- (k) the manner of preparation, maintenance and publication of accounts under section 61;
- (l) the date before which, the form in which, the interval at which and the matter on which reports shall be submitted under section 64;
- (m) the time at which and the form and manner in which statistics, returns, particulars and statement shall be submitted under section 65;
- (n) the manner in which the Board shall be superseded and reconstituted under section 72;
- (o) specifying the bye-laws contravention of any of which shall be an offence; and
- (p) any other matter which is to be or may be prescribed under this Act.

(3) [Omitted.]

74. The Board may, from time to time with the Regulations, previous sanction of the Administrator by notification, make regulations consistent with this Act and with any rules made thereunder,—

- (a) for the management and use of buildings 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.

Power to make
bye-laws.

75. (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 under this Act.

(2) No bye-laws made by the Board shall come into force until it has been confirmed by the Administrator with or without modification.

(3) All bye-laws made under this section shall be published in the Chandigarh Gazette.

Penalty for
contravention
of bye-laws.

76. Whosoever contravenes a bye-law made under section 75, the contravention of which is prescribed as an offence shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

Penalty for
obstructing
etc.

77. 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 shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

Authority for
prosecution.

78. 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 in this behalf.

79. (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. Registration of documents executed on behalf of Board.

(2) 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.

(1) The Administrator may by notification declare that with effect from such date as may be specified in the notification, the Board shall be dissolved. Dissolution of Board.

(2) With effect from the date specified in the notification under sub-section (1),—

(a) all properties, funds and dues which are vested in and realisable by the Board shall vest in and be realisable by the Central Government;

(b) all liabilities enforceable against the Board shall be enforceable against the Central Government to the extent of the properties, fund and dues vested in and realised by the Central Government.

(3) Nothing in this section shall affect the liability of the Central Government in respect of loans or debentures guaranteed under sub-section (5) of section 60.

Removal of
difficulties

81. (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 Administrator may by notification make such provisions as appear to him 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 Administrator may by notification make such provisions, not inconsistent with the provisions of this Act as appear to him to be necessary or expedient for removing the difficulty.

