



## The Puducherry Housing Board Act, 1973

Act 7 of 1974

**Keyword(s):**

**Betterment Fee, Housing and Improvement Scheme, Planning Authority**

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

## THE PUDUCHERRY HOUSING BOARD ACT, 1973

(No.7 of 1974)

## ARRANGEMENT OF SECTIONS

## SECTION

CHAPTER - I  
PRELIMINARY

1. Short title, extent and commencement
2. Definitions

CHAPTER - II  
CONSTITUTION AND WORKING OF THE BOARD

3. Establishment and constitution of the Board
4. Appointment of the Chairman and Members to be notified
5. Term of office and conditions of service of the Chairman and members of the Board
6. Disqualifications for appointment as a member of the Board
7. Power of Chairman
8. Appointment of an acting Chairman
9. Removal of Chairman and other non-official members
10. Staff of the Board
11. Conditions of service of the staff of the Board
12. Control and delegation by Chairman
13. Housing unit
- 13A. No disqualification in certain cases

CHAPTER - III  
CONDUCT OF BUSINESS OF THE BOARD AND ITS COMMITTEES

14. Meetings of the Board
15. Temporary association of persons with the Board for particular purposes
16. Appointment and functions of Committees
17. Prohibition to take part proceedings
18. Acts of the Board or Committee not to be invalidated by vacancy, etc.

CHAPTER – IV  
POWERS OF BOARD AND CHAIRMAN TO INCUR EXPENDITURE ON SCHEMES  
AND ENTER INTO CONTRACTS

19. Powers of Board and Chairman to incur expenditure .
20. Powers of Board and Chairman to approve estimates
21. Emergency powers of Chairman
22. Power to make and perform contracts
23. Agreements and security deposits
24. Further provisions as to the execution of contracts and agreements
25. Contract made in contravention of Act, etc., not binding on Board
26. Registration of instruments

CHAPTER – V  
HOUSING OR IMPROVEMENT SCHEMES

27. Power of the Board to undertake housing or improvement schemes and incur expenditure
28. Power of Government to transfer any land belonging to or vested in it or acquired under the Slum Areas (Improvement and Clearance) Act, 1956
29. When housing or improvement schemes may be made by the Board
30. Matters to be provided by housing or improvement schemes
31. Types of housing or improvement schemes
32. House accommodation scheme
33. Rebuilding scheme
34. Rehousing or rehabilitation scheme
35. City or town or village expansion scheme
36. Street scheme
37. Deferred street scheme
38. Land development scheme
39. General Improvement scheme
40. Preparation, publication and transmission of notice as to housing or improvement schemes and supply of documents to applicants
41. Transmission to the Board of representation by the concerned local authority or planning authority as to housing or improvement scheme
42. Notice regarding proposal to recover betterment fee
43. Furnishing of copies or extracts from the assessment book of the local authority or planning authority
44. Abandonment, modification or sanction of a housing or improvement scheme
45. Publication of sanction of housing or improvement scheme
46. The Board to execute housing or improvement scheme soon after sanction
47. Alteration of a housing or improvement scheme after sanction

48. Transfer to Board for purposes of improvement scheme building or land vested in local authority or planning authority
49. Transfer of private street or square to Board for purpose of housing or improvement scheme
50. Repairs of streets vested in the Board
51. Transferring streets laid out or altered and open spaces provided by the Board under a housing or an improvement scheme
52. Prevention or restriction of traffic in street vested in the Board
53. Provision of facilities when work is executed by the Board in public streets vested in it
54. Power of the Board to turn or close public street or square vested in it
55. Power of the Board to retain lanes not meant for vehicular traffic
56. Other duties of the Board
57. Supervision and centage charges
58. Power of Government to call for the records of the Board and to modify, annual, etc., of housing or improvement schemes
59. Power to exempt

#### CHAPTER - VI ACQUISITION AND DISPOSAL OF LAND

60. Power to acquire land under the Land Acquisition Act, 1894
61. Power to purchase or lease by agreement
62. Power to dispose of land

#### CHAPTER - VII LEVY, ASSESSMENT AND RECOVERY OF BETTERMENT FEE

63. Payment of betterment fee
64. Assessment of betterment fee by the Board and notice to persons liable to such fee
65. Board to give notice to persons liable to payment of betterment fees
66. Recovery of betterment fees
67. Levy of betterment fee not bar to acquisition

#### CHAPTER - VIII POWER TO EVICT PERSONS FROM BOARD PREMISES

68. Power to evict certain persons from Board premises
69. Power to recover rent or damage as arrears of land revenue
70. Appeal
71. Rent to be recovered from deductions from salary or wages in certain cases
72. Bar of jurisdiction of courts

CHAPTER - IX  
FINANCE

73. Funds of the Board
74. Power of the Board to borrow and lend
75. Issue of debentures
76. Payments to survivors of joint payees
77. Receipt by joint holder for interest or dividend
78. Priority of payments for interest and re-payment of loans
79. Repayment of loans
80. Establishment and maintenance of sinking fund
81. Power to discontinue payments into sinking fund.
82. Investment of sinking fund
83. Application of sinking fund
84. Annual examination of sinking fund
85. Estimates of income and expenditure to be laid before the Board
86. Sanction of estimates
87. Approval of Government to estimates
88. Supplementary estimate
89. Adherence to estimate and maintenance of closing balance
90. Keeping of accounts
91. Change from one account to the other
92. Budget of the Board
93. Accounts and Audit
94. Annual reports

CHAPTER - X  
PENALTIES AND PROCEDURE

95. Penalty for removing fence, etc., in street
96. Penalty for building within street alignment or building line without permission
97. Penalty for failure to comply with requisition made by auditor
98. Penalty for obstructing contractor or removing mark
99. Penalty for breach of the provisions of the Act, etc.
100. Compensation to be paid by offenders for damage caused by them
101. Composition of offences
102. Fine realised to be paid to Board
103. Cognizance of offence under this Act
104. Duty of police officers
105. Arrest of offenders
106. Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice
107. Protection of action taken in good faith
108. Notice of suit against Board etc.

109. Proof of consent, etc., of Board or Chairman or officer or servant of the Board
110. Power of Chairman to direct removal of unauthorised erections, etc., within street alignment, etc.
111. General power of the Board to pay compensation
112. Public notice how to be made known
113. Publication in leading daily newspapers
114. Stamping signature on notices or bills
115. Service how to be effected
116. Power to make surveys, or contribute towards their cost.
117. Power of entry

CHATER - XI  
MISCELLANEOUS

118. Powers of the Board for facilitating movement of the population
  119. Members and Officers to be public servants
  120. Sanction of prosecution
  121. Board and Chairman to exercise powers and functions of local authority
  122. Supply of documents, etc., to Government
  123. Submission of administration report to Government
  124. Power of Government to give directions to the Board and local authorities
  125. Supersession of the Board
  126. Dissolution of the Board
  127. The Board to be a local authority under Central Act 1 of 1894 and Central Act 9 of 1914.
  128. Finality of orders
  129. Power to make rules
  130. Power to make regulations
  131. Power to remove difficulties
  132. Amendment of section 11 of Act 13 of 1970
-

**THE PUDUCHERRY HOUSING BOARD ACT, 1973**

(No.7 of 1974)

(25-7-1974)

**AN ACT**

to provide for the execution of housing and improvement schemes, for the establishment of a Housing Board and for certain other matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-fourth Year of the Republic of India as follows: -

**CHAPTER - I**

**PRELIMINARY**

**Short title, extent and commencement**

1. (1) This Act may be called the Puducherry Housing Board Act, 1973.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different regions of the Union territory of Puducherry and any reference in this Act to the commencement of this Act shall, in relation to any region, mean the date on which this Act comes into force in that region.

**Definitions**

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

(1) "betterment fee" means the fee declared to be payable under section 63 in respect of an increase in the value of land resulting from the execution of a housing or improvement scheme;

(2) "Board" means the Puducherry Housing Board established under section 3;

(3) "Board premises" means any premises belonging to, or vesting in, the Board or taken on lease by the Board or any premises which is entrusted to, or in the possession or control of, the Board for the purposes of this Act;

(4) "Chairman" means the Chairman of the Board;

- (5) "Committee" means any committee appointed under section 16;
- (6) "competent authority" means any person or authority authorised by the Government, by notification in the Official Gazette to perform the functions of a competent authority under Chapter VIII;
- (7) "Government" means the Administrator appointed by the President under article 239 of the Constitution;
- (8) "housing or improvement scheme" means a scheme framed in accordance with the provisions of Chapter V;
- (9) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (10) "member" means the member of the Board;
- (11) "Planning Authority" means a Planning Authority constituted under the Puducherry Town and Country Planning Act, 1969;
- (12) "premises" means any land or building or part of a building and includes-
- (i) the garden, grounds and outhouses, 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;
- (13) "region" means any one of the regions known as Puducherry, Karaikal, Mahe or Yanam of the Union territory;
- (14) "regulations" means the regulations made under this Act;
- (15) "rules" means the rules made under this Act;
- (16) "Town Planning Act" means the Puducherry Town and Country Planning Act, 1969;
- (17) "Union territory" means the Union territory of Puducherry.

## CHAPTER - II

### CONSTITUTION AND WORKING OF THE BOARD

#### Establishment and constitution of the Board

3. (1) With effect from such date as the Government may by notification in the Official Gazette specify in this behalf, there shall be established for the purpose of this Act, a Board to be called the Puducherry Housing Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.



- (3) The Board shall consist of the following members, namely: -
- (a) a Chairman to be appointed by the Government;
  - (b) the Secretary to Government incharge of Housing;
  - (c) the Secretary to Government, Finance Department;
  - (d) the District Collector;
  - (e) the Director of Public Works Department;
  - (f) the Director of Health and Family Planning Services;
  - (g) the Senior Town Planner;
  - (h) three non-official members to be appointed by the Government, one of whom shall be an Engineer or Architect who possesses experience in housing and who is not in the employment of the Government or of a local authority or of any corporation owned or controlled by the Government; and one shall be a resident of any one of the outlying areas of Karaikal, Mahe or Yanam.

#### **Appointment of the Chairman and Members to be notified**

4. The appointment of Chairman and non-official members shall be notified in the Official Gazette.

#### **Term of office and conditions of service of the Chairman and members of the Board**

5. (1) The term of office and the conditions of service of the Chairman and members shall be such as may be prescribed by rules and they shall be entitled to receive such salary or allowances as may be fixed by the Government.

(2) The Chairman or any member may resign his membership of the Board by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member.

(3) Any vacancy created in the Board shall be filled by fresh appointment by the Government.

#### **Disqualifications for appointment as a member of the Board**

6. (1) A person shall be disqualified for being appointed as, and for being a member of the Board, if he -

- (a) has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside;
- (b) is an undischarged insolvent;
- (c) is of unsound mind;
- (d) is an officer or servant under the Board;
- (e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Board;
- (f) is a director or a secretary, manager, or other officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Board;

(2) A person shall not, however, be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other officer, having a share or interest in --

- (i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;
- (ii) any agreement for the loan of money or any security for the payment of money only;
- (iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;
- (iv) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one year, of any article in which he or the incorporated company regularly trades.

(3) A person shall not also be disqualified under clause (e) or clause (f) 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 is being a share-holder of such company:

Provided that such person discloses to the Government the nature and extent of the shares held by him.

*Explanation:-* For the purposes of clause (d) of sub-section (1), the Chairman shall not be deemed to be an officer or other employee under the Board.

#### Power of Chairman

7. The Chairman shall not undertake any work unconnected with his office without the previous sanction of the Government.

#### Appointment of an acting Chairman

8. Whenever there is a temporary vacancy in the office of the Chairman or when the Chairman is on leave, the Government may appoint a person to act as Chairman during the period of such vacancy or leave, as the case may be, and shall pay to such person such salary and allowances as may be fixed by the Government and the person so appointed shall be deemed, for purposes of this Act, to be the Chairman.

#### Removal of Chairman and other non-official members

9. (1) If at any time it appears to the Government that Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, it may, by notification in the Official Gazette, remove the Chairman from office.

(2) The Government may, by notification in the Official Gazette, remove any non-official member from office -

(a) if he has, without the permission of the Board, been absent from the meetings of the Board for any period exceeding three consecutive months; or

(b) if he, being a legal practitioner, acts or appears on behalf of any person other than the Board in any civil, criminal or other legal proceedings in which the Board is interested, either as a party or otherwise; or

(c) if he has, in the opinion of the Government, contravened the provisions of section 17; or

(d) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a member or has so abused his position as a member as to render his continuance as such member detrimental to the public interest.

(3) A non-official member removed under the provisions of clause (a) or clause (b) of sub-section (2), shall be disqualified for appointment as a member for such period as may be prescribed by rules.

(4) A non-official member removed under clause (d) of sub-section (2) shall not be eligible for reappointment until he is declared by an order of the Government to be no longer ineligible.

#### Staff of the Board

10. Subject to rules made in this behalf, the Board may appoint such officers and other employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

#### Conditions of service of the staff of the Board

11. The officers and other employees of the Board shall be entitled to receive such salaries and allowances, as may be fixed by the Board and shall be governed by such other terms and conditions of service as may be prescribed by regulations.

#### Control and delegation by Chairman

12. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and other employees of the Board, and may subject to rules made in this behalf, by general or special order, delegate to any officer of the Board, any of his powers, duties or functions under this Act or the rules or regulations made thereunder other than those specified in sections 14 and 85.

### Housing unit

13. (1) The Board may, whenever, it is necessary or expedient so to do, establish a housing unit in such area as may be specified by it by notification in the Official Gazette for the efficient performance of its functions in that area.

(2) The housing unit shall form part of the establishment of the Board and shall consist of such officers and other employees as may be considered necessary by the Board.

(3) The housing unit shall be in charge of an officer who shall be under the administrative control of the Chairman and shall also exercise such powers and perform such duties and functions as may be delegated to him by the Chairman under section 12.

### No disqualification in certain cases

\*[13.A. No person shall be disqualified for being chosen as, or for being a member of Legislative Assembly by virtue only of the fact that he is a Chairman or a member of the Board].

## CHAPTER - III

### CONDUCT OF BUSINESS OF THE BOARD AND ITS COMMITTEES

#### Meetings of the Board

14. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by regulations:

Provided that the Board shall meet at least once in every month:-

(2) The Chairman or in his absence such other member as may be chosen by the members present from among themselves shall preside at a meeting of the Board.

---

\* Substituted vide Act No.12 of 1980 published in the Extraordinary Gazette of Puducherry No.5 dated 9.1.81 and these have come into force w.e.f 23.12.1980.

---

(3) All questions at any meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman, or in his absence the person presiding, shall have a second or casting vote.

(4) The Board shall, within seven days of every meeting, cause a copy of the proceedings of the meeting to be forwarded to the Department of the Government in charge of housing.

#### **Temporary association of persons with the Board for particular purposes**

15. (1) The Board may associate with itself in such manner and for such purpose as may be prescribed by rules, any person whose assistance or advice it may desire for the purpose of carrying into effect any of the provisions of this Act:

Provided that the number of persons so associated shall not be more than five.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote and shall not be named as a member for any other purpose.

(3) The Government may, by order, depute one or more officers of the Government to attend any meeting of the Board and to take part in the discussions of the Board, but such officer or officers shall not have the right to vote.

#### **Appointment and functions of Committees**

16. (1) The Board may, from time to time, appoint Committees consisting of such member of persons as it may think fit for the purpose of discharging such duties or performing such functions, and on such terms and conditions as may be prescribed by regulations.

(2) The Chairman or such other person as he may nominate in this behalf shall be the President of the Committee and the Committee shall observe such rules of procedure in regard to transactions of business at its meetings as may be prescribed by regulations.

(3) All proceedings of the Committee shall be subject to confirmation by the Board.

### Prohibition to take part proceedings

17. Save as otherwise provided by rules, no member of the Board or of a Committee or any person associated with the Board shall vote or otherwise take part in any proceeding of the Board or Committee relating to a matter in which he is personally interested.

### Acts of the Board or Committee not to be invalidated by vacancy, etc.

18. No act done or proceeding taken under this Act by the Board or any Committee shall be invalidated merely on the ground –

(a) of any vacancy or defect in the constitution of the Board or of the Committee; or

(b) of any defect or irregularity in the appointment of a person acting as a member thereof; or

(c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

## CHAPTER – IV

### POWERS OF BOARD AND CHAIRMAN TO INCUR EXPENDITURE ON SCHEMES AND ENTER INTO CONTRACTS

#### Powers of Board and Chairman to incur expenditure

19. Subject to budget provision and availability of funds, expenditure may be incurred on any single work or scheme for carrying out any of the purposes of this Act –

(a) by the Chairman, if such expenditure does not exceed fifty thousand rupees;

(b) by the Board, in other cases:

Provided that the Board shall not, without the previous approval of the Government, incur any such expenditure exceeding ten lakhs of rupees:

Provided further that the Chairman shall report the expenditure incurred by him under this section to the Board at its next meeting for ratification.

#### Powers of Board and Chairman to approve estimates

20. The Board or the Chairman may accord approval to estimates for incurring expenditure on any work or scheme for carrying out any of the purposes of this Act subject to the like restrictions and conditions imposed on the Board or the Chairman, as the case may be, by section 19.

### Emergency powers of Chairman

21. The Chairman may, in cases of emergency, direct the execution of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may also direct that the expenses of executing the work or of doing the act shall be paid from the funds of the Board.

Provided that –

(a) he shall not act under this section in contravention of any direction of the Board or the Government prohibiting the execution of any particular work or the doing of any particular act;

(b) he shall report the action taken by him under this section and the reasons therefor to the Board at its next meeting and shall also submit a copy of his report to the Government and the Board or the Government may issue such directions as it may deem fit on such report.

### Power to make and perform contracts

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

### Agreements and security deposits

23. (1) Every contract shall be made on behalf of the Board by the Chairman or any officer of the Board authorised in writing by the Board in this behalf.

(2) The Chairman shall take sufficient security deposit for the due performance of the contract from every person with whom the contract is entered into.

(3) Written agreements shall be executed for all contracts, the value of which exceeds five hundred rupees.

(4) Every contract made under sub-section (1), the value of which exceeds ten thousand rupees, shall be reported to the Board at its next meeting.

### Further provisions as to the execution of contracts and agreements

24. Subject to the provisions of sections 22 and 23, the contracts or agreements shall be made or executed in accordance with the rules made in that behalf.

### Contract made in contravention of Act, etc., not binding on Board

25. A contract or agreement made or executed in contravention of the provisions of this Act or the rules or regulations made thereunder shall not be binding on the Board.

### Registration of instruments

26. (1) Notwithstanding anything contained in the Registration Act, 1908, it shall not be necessary for the Chairman or an officer of the Board referred to in sub-section (1) of section 23 to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such Chairman or any officer of the Board for information respecting the same and shall, on being satisfied of the execution thereof, register, the instrument.

## CHAPTER - V

### HOUSING OR IMPROVEMENT SCHEMES

#### Power of the Board to undertake housing or improvement schemes and incur expenditure

27. (1) Subject to the provisions of this Act, the Board may, from time to time, incur expenditure and undertake works for the framing and execution of such housing or improvement schemes as it may consider necessary.

(2) The Government may, on such terms and conditions as may be agreed upon between the Government and the Board, transfer to the Board the execution of any housing or improvement scheme not provided for by this Act, and the Board shall thereupon undertake the execution of such scheme as if it had been provided for by this Act.

(3) The Board may, on such terms and conditions as may be agreed upon, between the Board and the local authority or planning authority as the case may be, take over for execution any housing or improvement scheme undertaken by a local authority or planning authority and the Board shall execute such scheme as if it had been provided for by this Act.

#### Power of Government to transfer any land belonging to or vested in it or acquired under the Slum Areas (Improvement and Clearance) Act, 1956

28. Whenever the Government consider it expedient or necessary, for the purpose of clearance or improvement of any slum area, to transfer any land in such area belonging to, or vested in it, or acquired under the provisions of the Slum Areas (Improvement and Clearance) Act, 1956, it may do so on such terms and conditions as may be agreed upon between the Government and the Board and direct the Board to undertake the clearance or improvement of that area and to frame and execute such housing or improvement scheme under this Act as the Government may specify and the Board shall thereupon undertake the same for execution as if it has been provided for by this Act.



### When housing or improvement schemes may be made by the Board

29. (1) A housing or improvement scheme under this Act may be made by the Board of its own motion, or at the instance of the Government or by any local authority.

(2) Where any local authority requests the Board to execute any housing or improvement scheme, the Board shall do so only if it is satisfied that, --

- (a) the funds at its disposal are sufficient to execute the scheme; and
- (b) the scheme is necessary and capable of being executed.

(3) Where any local authority is aggrieved by the decision of the Board not to execute its scheme, it may appeal to the Government which may pass such order on appeal as it may think fit and every such order passed by the Government shall be binding on the Board.

### Matters to be provided by housing or improvement schemes

30. Notwithstanding anything contained in any other law for the time being in force, a housing or improvement scheme may provide for all or any of the following matters, namely: -

- (a) the acquisition by purchase, exchange, or otherwise of any property necessary for or affected by the execution of the scheme;
- (b) the laying or re-laying out of any land comprised in the scheme;
- (c) the distribution or redistribution of sites belonging to owners of the property comprised in the scheme;
- (d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;
- (e) the demolition of obstructive buildings or portions of buildings;
- (f) the construction and reconstruction of buildings;
- (g) the sale, lease or exchange of any property comprised in the scheme;
- (h) the construction and alteration of roads, streets, back lanes, bridges, culverts and causeways;
- (i) the draining, water-supply and lighting of the streets included in the scheme;
- (j) the provision of roads, parks, playing fields, and open spaces for the benefit of any area comprised in the scheme or any adjoining area, and the enlargement of existing parks, playing fields, open spaces and approaches;
- (k) the provision of sanitary arrangements required for the area comprised in the scheme including the conservation of and prevention of injury or contamination to rivers or other sources and means of water supply;
- (l) the provision of accommodation for any class of inhabitants;
- (m) the advance of money for the purposes of the scheme;
- (n) the provision of facilities for communication and transports;

- (o) the collection of such information and statistics as may be necessary for the purposes of this Act;
- (p) the reclamation or reservation of lands for markets, gardens, playing fields and afforestation;
- (q) the provision of schools, parks, swimming pools, restaurants, shops, markets, fuel depots, laundries, hair dressing saloons and other amenities in the scheme; and
- (r) any other matter for which, in the opinion of the Government, it is necessary or expedient to provide for house accommodation or for the improvement of any area comprised in the scheme or such other area as the Government may, by notification in the Official Gazette, declare to be an area surrounding or adjoining to the area comprised in the scheme.

#### **Types of housing or improvement schemes**

31. Any housing or improvement scheme shall be of one of the following types, or combination of any two or more such types or of any special features thereof, that is to say -

- (a) a house accommodation scheme;
- (b) a rebuilding scheme;
- (c) a rehousing or rehabilitation scheme;
- (d) a city or town or village expansion scheme;
- (e) a street scheme;
- (f) a deferred street scheme;
- (g) a land development scheme; and
- (h) a general improvement scheme.

#### **House accommodation scheme**

32. Whenever the Board is of opinion that it is expedient or necessary to meet the need for housing accommodation in any area, the Board may frame a house accommodation scheme for that area, -

- (a) specifying the lay-out of the area where houses will be constructed;
- (b) providing for roads, streets, drainage, water supply, street lighting and other amenities;
- (c) providing for the construction of houses and the disposal thereof by sale or by lease or on hire-purchase basis.

#### **Rebuilding scheme**

33. (1) Whenever it appears to the Board that the circumstances specified in clause (a) or clause (b) of section 39 exist in any area and that having regard to the comparative value of the building in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is to frame a rebuilding scheme, the Board may frame a rebuilding scheme for the whole or any part of that area in accordance with the provisions of this section.

(2) A rebuilding scheme may provide for, --

(a) the reservation of roads, street, lanes and open spaces and the enlargement of the existing roads, streets, lanes and open spaces to such extent as may be necessary for the purpose of the scheme;

(b) the re-laying out of the sites of the area upon roads, streets, lanes and open spaces so reserved or enlarged.

(c) the payment of compensation in respect of any such reservation or enlargement and the formation of roads, streets, lanes and open spaces so reserved or enlarged;

(d) the reconstruction, alteration or demolition of the existing buildings and their appurtenances by the owners or by the Board in default of the owners, and the erection of buildings in accordance with the scheme by the said owners, or by the Board in default of the owners, upon the sites as defined under the scheme;

(e) the advances to the owners, upon such terms and conditions as to interest, sinking fund, and other matters as may be provided under the scheme, of such sums as may be necessary to assist them to reconstruct or alter existing buildings or to erect new buildings in accordance with the scheme; and

(f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

#### **Rehousing or rehabilitation scheme**

34. Whenever the Board is of opinion that it is necessary for persons who --

(a) are displaced by the execution of any housing or improvement scheme; or

(b) are likely to be displaced by the execution of any housing or improvement scheme which it is intended to frame under this Act; or

(c) are surplus in any scheme area, the Board may frame a re-housing scheme for the construction, maintenance and management of such number of dwelling houses and shops as may be required, or may frame a rehabilitation scheme for providing such number of open plots with roads, streets and open spaces as may be necessary.

#### **City or town or village expansion scheme**

35. (1) Whenever the Board is of opinion that it is expedient to control and provide for the future expansion or development of a city, town or village, the Board may frame an expansion scheme and specify the time-limit for the execution of such scheme.

(2) The expansion scheme may be framed in respect of an area which is wholly within or wholly outside the limits of city, town or village or in respect of an area which lies partly within and partly outside the city, town or village.

(3) Such scheme shall specify the proposed layout of the area to be developed and the purposes for which particular portions thereof are to be utilised.

(4) After any such scheme has come into force, no person shall, without the previous permission of the Board, erect, re-erect, add to, or alter any building or wall within the area comprised in the scheme.

(5) Where the Board refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid, and does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

#### Street scheme

36. (1) Whenever the Board is of opinion that for the purpose of -

- (a) providing building sites, or
- (b) remedying defective ventilation, or
- (c) creating new or improving existing means of communication and facilities for traffic, or
- (d) affording better facilities for conservancy, it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may frame a street scheme for such area.

(2) A street scheme may, within the limits of the area comprised in the scheme, provide for the following matters, namely: -

- (a) the acquisition of any land which, in the opinion of the Board, is necessary for the street scheme;
- (b) the re-laying out of all or any of the lands so acquired including the construction and reconstruction of buildings, by the Board or by persons authorised by the Board in that behalf and laying out, construction and alteration of streets and thoroughfares;
- (c) the draining, water supply and lighting of streets and thoroughfares so laid out, constructed or altered;
- (d) the raising, lowering, or reclamation of any land vested in, or to be acquired by, the Board for the purposes of the scheme;
- (e) the provision of open spaces for the better ventilation of the area comprised in the scheme; and
- (f) the acquisition of any land adjoining any street, thoroughfares, or open space to be formed under the scheme.

#### Deferred street scheme

37. (1) Whenever the Board is of opinion that it is necessary to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Board but that it is not necessary immediately to acquire all or any of the properties lying within the proposed alignments, the Board may frame a deferred street scheme prescribing an alignment on each side of the street and specify the time limit for the execution of such scheme.

(2) A deferred street scheme shall provide for the following matters, namely: -

(a) the acquisition of the whole or any part of any property lying within the prescribed street alignments within the time-limit specified in the scheme which may be extended by the Board from time to time:

Provided that such time-limit including the extensions granted by the Board shall in no case exceed twenty years from the date of sanction of the scheme;

(b) the re-laying out of all or any such property including the construction of buildings by the Board or by any other person, and the formation and alignment of the street;

(c) the drainage, water supply and lighting of the streets so formed or altered.

(3) After a deferred street scheme has been notified in the Official Gazette as required by section 45,

(a) no person shall, except, with the written permission of the Board, erect, re-erect, add to, or alter any building or wall so as to make the same project into the prescribed alignment of the street;

(b) if the Board fails to acquire, or to initiate proceedings for the acquisition of, any property within the prescribed alignment of any street within the time limit specified in the scheme or extended by it, the owner of such property may, at any time thereafter, give the Board notice requiring it to acquire, or to initiate proceedings for the acquisition of, such property before the expiration of six months from the date of such notice, and thereupon the Board shall acquire the property, or initiate such proceedings and acquire the property accordingly; and if the Board fails to do so, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure;

(c) before proceeding to acquire any property lying within the prescribed alignment of the street other than the property in respect of which it has received a notice under clause (b), the Board shall give six month's notice to the owner of its intention to acquire such property;

(d) the local authority or planning authority or the Public Works Department shall not have power to prescribe any alignment of the street within the limits of the scheme, and any such alignment previously prescribed within such limits shall cease to be the alignment of the street.

### Land development scheme

38. Whenever the Board is of opinion that it is expedient or necessary to provide building sites in any area, the Board may frame a land development scheme for that area, -

(a) specifying the lay-out of the area to be developed and the purposes for which different portions thereof shall be utilised;

(b) providing for roads, streets, open spaces, drainage, water supply, street lights and other amenities;

(c) providing for the disposal of house sites by sale or on hire-purchase basis.

### General Improvement scheme

39. Whenever it appears to the Board ---

(a) that in any area, any buildings used or intended or likely to be used as dwelling houses are unfit for human habitation, or

(b) that danger to the health of the inhabitants of buildings in any area, or to buildings in the neighbourhood of such area is likely to be caused by ---

(i) the narrowness, closeness or bad arrangement or condition of streets or buildings or groups of buildings in such areas, or

(ii) the want of light, air, ventilation, or proper conveniences in such area, or

(iii) any other sanitary defects in such area,

the Board may frame a General improvement scheme in respect of such area.

### Preparation, publication and transmission of notice as to housing or improvement schemes and supply of documents to applicants

40. (1) When any housing or improvement scheme has been framed, the Board shall prepare a notice to that effect and specify -

(a) the boundaries of the area comprised in the scheme;

(b) the place or places at which particulars of the scheme, a map of the area, and details of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours.

(2) The Board shall ---

(a) cause the said notice to be published weekly for three consecutive weeks in the Official Gazette and in leading daily newspapers specifying the period upto which the objections will be received; and

(b) send a copy of the notice to the local authority or planning authority concerned.

(3) The Chairman shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee fixed by the Board.

**Transmission to the Board of representation by the concerned local authority or planning authority as to housing or improvement scheme**

41. The local authority or planning authority to which a copy of a notice has been sent under clause (b) of sub-section (2) of section 40 shall, within a period of sixty days from the date of receipt thereof forward to the Board, any representation which the local authority or planning authority as the case may be, may wish to make regarding the scheme.

**Notice regarding proposal to recover betterment fee**

42. (1) Within the three weeks following the day on which any notice is first published under section 40 in respect of any housing or improvement scheme, the Board shall serve a notice in such form as may be prescribed by rules on every person whose name appears in the assessment list of the local authority or planning authority concerned as being primarily liable to pay property tax on any building or land in regard to which the Board proposes to recover betterment fee.

(2) A copy of the notice shall also be affixed in every such premises.

(3) Every such notice shall be signed by the Chairman or a person duly authorised by him in that behalf.

(4) Any person on whom a notice under sub-section (1) has been served may, within thirty days from the service of the notice make a representation in writing to the Board stating his objections to the scheme.

**Furnishing of copies or extracts from the assessment book of the local authority or planning authority**

43. The Executive Officer of any local authority or planning authority shall, at the request of the Chairman, furnish him with a copy of, or an extract from, the assessment list.

### Abandonment, modification or sanction of a housing or improvement scheme

44. (1) After considering the objections and representations, if any, received in pursuance of sub-section (2) of section 40, section 41 and sub-section (4) of section 42 and after hearing the persons who, having raised any such objection or made any such representations, desire to be heard, the Board may either abandon or modify or sanction the scheme, or apply to the Government for sanction with such modifications, if any, as the Board may consider necessary if the cost of the scheme exceeds ten lakhs of rupees.

(2) The Government may sanction with or without modification, or may refuse to sanction or may return for reconsideration any housing or improvement scheme, costing over ten lakhs of rupees submitted to it under sub-section (1).

(3) If the scheme returned for reconsideration under sub-section (2) is modified by the Board, the notice of the fact that the scheme has been modified shall be published in accordance with section 40 —

(a) in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired; and

(b) in every other case, where the modification is in the opinion of the Board of sufficient importance to require publication.

### Publication of sanction of housing or improvement scheme

45. (1) Whenever the Board or the Government sanctions a housing or improvement scheme, the scheme as so sanctioned shall be notified in the Official Gazette:

Provided that whenever the Board sanctions a scheme with modifications, if any, it shall cause notice to that effect to be published weekly for two consecutive weeks in the Official Gazette and in leading daily newspapers.

(2) The publication of the scheme or notice under sub-section (1) shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(3) Any person aggrieved by the sanctioning of a housing or improvement scheme may, within thirty days from the date of the last publication in the Official Gazette of the said scheme, appeal to the Government and the decision of the Government on such appeal shall be final and shall not be liable to be questioned in any court of law.

(4) The scheme shall come into force and shall have effect —

(a) where no appeal is preferred under sub-section (3) on and from the expiry of the thirty days referred to in that sub-section; and

(b) where such appeal is preferred, on and from the date of the decision of the Government on such appeal.



### **The Board to execute housing or improvement scheme soon after sanction**

46. As soon as may be after a housing or improvement scheme (other than an expansion scheme or a deferred street scheme) has come into force, the Board shall proceed to execute the same.

### **Alteration of a housing or improvement scheme after sanction**

47. At any time after a housing or improvement scheme has been sanctioned by the Board or the Government, as the case may be, but before it has been carried into execution, the Board may alter or cancel it:

Provided that -

(a) if any alteration is likely to increase the estimated net cost of executing the scheme by more than ten per cent of the total cost, or if any altered scheme is likely to cost more than ten lakhs of rupees, the alteration shall not be made without the previous sanction of the Government;

(b) if any alteration involves the acquisition otherwise than by agreement of any land not previously proposed to be acquired in the original scheme, the procedure prescribed in the foregoing sections of this Chapter shall, so far as it may be applicable, be followed so if the alteration were a separate scheme;

(c) if, owing to any alteration, any land not previously liable under the scheme to the payment of betterment fee, becomes liable to such payment, the procedure laid down in sections 40, 41 and 42 shall, so far as it may be applicable, be followed in regard to such land:

Provided further that no scheme, costing over ten lakhs of rupees; shall be cancelled under this section without the previous sanction of the Government.

*Explanation.*-- For the purposes of this section, the expression "alteration" includes a combination of two or more schemes framed or proposed to be framed and the expression "altered scheme" includes any scheme so combined.

### **Transfer to Board for purposes of improvement scheme building or land vested in local authority or planning authority**

48. (1) Whenever any building or land or any part thereof, which is situated within the jurisdiction of a local authority or planning authority and is vested in such local authority or planning authority is covered by any housing or improvement scheme, the Board shall give notice to that effect to the local authority or planning authority, as the case may be, and such building or land or part thereof shall thereupon vest in the Board.

(2) Where any land situated within the jurisdiction of a local authority or planning authority vests in the Board under sub-section (1) and the Board makes a declaration that such land will be retained by the Board only until it reverts in the local authority or planning authority, as the case may be, as part of a street or an open space under section 51, no compensation shall be payable by the Board to the local authority or planning authority, as the case may be, in respect of that land.

(3) Where any land or building vests in the Board under sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the local authority or planning authority, as the case may be, as compensation a sum equal to the market value of such land or building as on the date on which the scheme comes into force under section 45 and where any building situated on the land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) Where contrary to the declaration made in respect of any land under sub-section (2), the Board retains or disposes of the land, the Board shall pay to the local authority or planning authority, as the case may be, compensation in respect of such land in accordance with the provisions of sub-section (3).

(5) If any question or dispute arises as to whether the compensation is payable under sub-section (3) or sub-section (4), or, as to the quantum of compensation payable or as to whether any building, land or any part thereof, is required for the purposes of a scheme, the matter shall be referred to the Government, whose decision thereon shall be final.

#### **Transfer of private street or square to Board for purpose of housing or improvement scheme**

49. (1) Whenever any private street or square or part thereof is required for executing any housing or improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street or square or part thereof, a notice signed by the Chairman –

(a) stating the purpose for which the street or square or part thereof is required and;

(b) declaring that the Board will, on or after a date to be specified in the notice, take over charge of such street or square, or part from the owner thereof,

and shall simultaneously send a copy of such notice to the owner of such street or square or part.

(2) After considering the objections (if any), received in writing before the date specified in the notice under sub-section (1), the Board may take over possession of such street or square or part, and the same shall thereupon vest in the Board.

(3) Upon the vesting of any private street, square or part thereof in the Board under sub-section (2), the Board shall pay to the person who owned such street, square or part, an amount equal to the amount which he would have been entitled to if such street, square or part had been acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894).

(4) If the Board makes any alteration in such street, square or part thereof or closes access thereto and such alteration or closure causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Board shall forthwith provide some other reasonable means of access for the use of such owners or residents and shall also pay them reasonable compensation for any damage or substantial inconvenience so caused.

#### Repairs of streets vested in the Board

50. Whenever the Board allows any street vested in it to be used for public traffic it shall keep the street in good repair and do all things necessary for the safety and convenience of persons using it.

#### Transferring streets laid out or altered and open spaces provided by the Board under a housing or an improvement scheme

51. (1) The Board may hand over any street to a local authority or planning authority concerned after giving a month's notice, when --

(a) any such street laid out or altered by the Board has been duly levelled, metalled, flagged, channeled, sewered and drained in the manner provided in the scheme sanctioned by the Board or the Government under section 44;

(b) lamp posts necessary for the lighting of such streets have been provided by the Board; and

(c) water and other sanitary conveniences have been duly provided in such streets.

(2) (a) The local authority or planning authority concerned may, after receiving the notice from the Board under sub-section (1), declare the street to be a public street;

(b) The street shall thereupon vest in the local authority or planning authority, as the case may be, and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority or planning authority concerned.

(3) When any open space for the purposes of ventilation or recreation has been provided by the Board in executing any housing or improvement scheme, it shall, on completion, be transferred to the local authority or planning authority concerned by a resolution of the Board and it shall thereupon vest in the local authority or planning authority concerned and thereafter be maintained by that local authority or planning authority at its expense:

Provided that the local authority or planning authority, as the case may be, may require the Board before any such open space is so transferred, to enclose, level, turf, drain and layout such space and provide foot-path therein, and, if necessary, to provide lamps and other apparatus for lighting it.

**Prevention or restriction of traffic in street vested in the Board**

52. (1) When any work is being lawfully executed by the Board in any street vested in it, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description.

(2) When any such direction has been given, the Board shall set up, in a conspicuous position in or near the street, an order prohibiting traffic to the extent so directed, and fix such bars, chains, or posts across or in the street as it may think proper for preventing or restricting traffic therein.

**Provision of facilities when work is executed by the Board in public streets vested in it**

53. (1) When any work is being executed by the Board in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for ---

(a) the passage or diversion of traffic;  
 (b) securing access to all premises approached from such street; and  
 (c) any drainage, water supply, or means of lighting which is interrupted by reason of the execution of the work.

(2) The Board shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

**Power of the Board to turn or close public street or square vested in it**

54. (1) The Board may ---

(a) turn, divert or discontinue the public use of, or permanently close, any public street vested in it or any part thereof; or  
 (b) discontinue the public use of, or permanently close, any public square 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 pay reasonable compensation to every person who was entitled, otherwise than as a member of the public, to use such street or part as means of access, and has suffered damage from such discontinuance or closure.

(3) Whenever the Board discontinues the public use of, or permanently closes, any public square vested in it or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a member of the public, to use such square or part as a means of access.

(4) When any public street or square vested in the Board, or any part thereof, is permanently closed under sub-section (1), the Board may sell or lease out such portion thereof as is no longer required.

#### **Power of the Board to retain lanes not meant for vehicular traffic**

55. The Board may retain any lane (not meant for vehicular traffic) and may enter into an agreement with the local authority or planning authority concerned or any other person for the supervision, repair, lighting any general management of any such lane so retained.

#### **Other duties of the Board**

56. It shall also be the duty of the Board to take measures with a view —

(a) to plan and coordinate all housing activities in the Union territory, and to ensure expeditious and efficient implementation of housing or improvement schemes in the Union territory;

(b) to provide technical advice and scrutinise all projects under housing or improvement schemes sponsored or assisted by the Central Government or the Government of the Union territory;

(c) to maintain, allot, lease and otherwise use plots, buildings, and other properties of the Board or the Government and to collect rents from the properties under the control and management of the Board, and repay loans to the Government and Central Government;

(d) to set up a research section for the purpose of expediting the construction of, and reducing the cost of buildings; and

(e) to organise and run workshops and stores for manufacture, sale, stockpiling and supply of building materials, required for housing or improvement schemes.

#### **Supervision and centage charges**

57. The Board may include in the cost of any housing or improvement scheme framed by it or any other work undertaken by it, supervision and centage charges at such rates as may be fixed by it:

Provided that the rate so fixed shall not be more than twelve and a half per cent of the cost of the scheme or work.

#### **Power of Government to call for the records of the Board and to modify, annual, etc., of housing or improvement schemes**

58. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the Government may at any time, in the case of any housing or improvement scheme, proposed to be framed or framed by the Board or being executed by it, call for the records of the Board relating to such scheme and if, after examining the same and considering the representations, if any, of the Board and local authority of planning authority concerned, it appears to the Government that such scheme should be

modified, annulled or remitted for consideration to the Board or that such scheme should be executed with modifications, it may pass orders accordingly.

(2) The Government may stay the execution of any such scheme pending the exercise of its powers under sub-section (1) in respect thereof.

(3) (a) Any housing or improvement scheme which has already come into force but has been modified by the Government under sub-section (1) shall have effect as if it had been duly sanctioned by the Board under section 44.

(b) The scheme as modified shall be published in accordance with the provisions of section 45 and on such publication the scheme so modified shall come into force and shall have effect.

#### **Power to exempt**

59. The Government, may, by notification, in the Official Gazette, exempt, subject to such conditions and restrictions as may be specified in the notification, any housing or improvement scheme or class of housing or improvement schemes from all or any of the provisions of this chapter.

### **CHAPTER - VI**

#### **ACQUISITION AND DISPOSAL OF LAND**

##### **Power to acquire land under the Land Acquisition Act, 1894**

60. Any land or any interest therein required by the Board for any of the purposes of this Act shall be deemed to be required for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

##### **Power to purchase or lease by agreement**

61. The Board may enter into agreement with any person for the acquisition from him by purchase, lease or exchange, of any land or any interest therein which may be required for any of the purposes of this Act:

Provided that if the value of such land or interest exceeds <sup>1</sup>[three lakh rupees], the Board shall not enter into such agreement without the previous approval of the Government.

##### **Power to dispose of land**

62. The Board may, subject to such rules as may be made in this behalf, retain or may lease, sell, exchange or otherwise dispose of any land vested in or acquired by it, under this Act.

---

1. Amended vide Act No.11 of 1987 and published in the Extra - ordinary Gazette No.43 dated 31.12.87.

**CHAPTER - VII****LEVY, ASSESSMENT AND RECOVERY OF BETTERMENT FEE****Payment of betterment fee**

63. (1) When by the execution of a housing or improvement scheme any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting 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 buildings, exceeds the value of the land prior to the execution of the scheme estimated in the like manner; and the betterment fee shall be one-third of such increase in value.

(3) The Board may, with the previous approval of the Government, declare that such betterment fee shall also be payable in respect of any land not comprised in the scheme but is adjacent to the area comprised in the scheme if such land will be increased in value consequent on the execution of a housing or improvement scheme in the area comprised in the scheme:

Provided that the Board shall, before declaring that any betterment fee shall be payable under this sub-section, serve a notice in such form as may be prescribed, on every person whose name appears in the assessment list of the local authority or planning authority concerned as being primarily liable to pay property tax on any building or land in regard to which the Board proposes to declare that such betterment fee shall be payable and thereupon the provisions of sub-section (2), (3) and (4) of section 42 shall apply to every notice served under this proviso.

**Assessment of betterment fee by the Board and notice to persons liable to such fee**

64. (1) Whenever it appears to the Board that a housing or improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be assessed, the Board shall, by a resolution passed in this behalf, declare that for the purpose of assessing such fee, the execution of the scheme shall be deemed to have been completed and shall thereafter give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (1) of section 42, or to the successor in interest of such person, as the case may be, that the board proposes to assess the amount of the betterment fee payable in respect of the land under section 63.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned, after giving such person an opportunity of being heard, and such person, shall, within one month from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to inform the Board as required under sub-section (2) within the period specified therein, the matter shall be referred to the Government..

(5) The Government shall, after holding an inquiry, and after hearing the person concerned, assess the amount of betterment fee payable by the person.

#### **Board to give notice to persons liable to payment of betterment fees**

65. When the amount of all betterment fees payable in respect of land in the area comprised in the scheme and in respect of land not comprised in the scheme area but is adjacent to the area comprised in the scheme referred to in sub-section (3) of section 63 has been assessed under section 64, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four and a half per cent per annum upon any amount outstanding shall be payable from that date:

Provided that any person liable as aforesaid may make payment, if he so chooses, in such number of annual instalments not exceeding ten as the Board may determine.

#### **Recovery of betterment fees**

66. All moneys payable as betterment fees in respect of any land by any person shall, together with interest due up to the date of realization, be recoverable by the Board from the said person or his successor-in interest in such land, as an arrear of land revenue.

#### **Levy of betterment fee not bar to acquisition**

67. Levy or payment of betterment fee with respect to a land under the provisions of this Chapter shall not be deemed to prevent the acquisition of the land under the Land Acquisition Act, 1894 (Central Act 1 of 1894).



## CHAPTER - VIII

## POWER TO EVICT PERSONS FROM BOARD PREMISES

## Power to evict certain persons from Board premises

68. (1) 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 such premises for a period of more than two months; or
- (ii) has sub-let, without the permission of the Board, the whole or any part of such premises; or
- (iii) has 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 registered 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 by rules, order that the person authorised to occupy 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 of 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 and served in the manner provided for service of notice under sub-section (1), of the grounds for 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 such notice.

(3) The competent authority may, on application, grant extension of the period specified in such notice on such terms as to payment and recovery of the amount claimed in the notice as he 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 proceeding either in person or by pleader.

(5) 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 purposes use such force as may be necessary.

(6) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of clause (a) of sub-section (1) within 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 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 (5), cancel its order made under sub-section (1), and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

*Explanation.* – For the purposes of this section and section 69, the expression "unauthorised 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 of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

#### **Power to recover rent or damage as arrears of land revenue**

69. (1) (a) Subject to any rules made by the Government in this behalf and without prejudice to the provisions of section 68, where any person is in arrears of rent payable in respect of any Board premises, the competent authority may, by notice served by registered 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 by rules, order that person to pay the same within such time not being less than ten days as may be specified in the notice.

(b) In such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as an arrear of land revenue.

(2) (a) Where any person is in unauthorised occupation of any Board premises, the competent authority may, assess damages on account of the unauthorised use and occupation of the premises as it may deem fit in the manner prescribed by rules, and may by notice served in the manner provided for service of notice under sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(b) 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 an arrear of land revenue.

(3) No order shall be made under sub-section (2) 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

70. (1) Any person aggrieved by an order of the competent authority under section 68 or section 69 may, within one month from the date of receipt of such order by him, prefer an appeal to the Government:

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

(2) On receipt of an appeal under sub-section (1), the Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the Government shall be final.

(3) On such appeal being preferred, the Government may stay the execution of the order of the competent authority for such period and on such conditions as it may think fit.

### Rent to be recovered from deductions from salary or wages in certain cases

71. (1) Subject to the provisions of section 68, any person who is an employee of the Government or a local authority and who has been allotted any Board premises may execute an agreement in favour of the Board providing that the Government 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 by him in respect of the Board premises allotted to him.

(2) On the execution of such agreement, the Government or the 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 employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the Board.

### Bar of jurisdiction of courts

72. No order made by the Government or the competent authority in the exercise of any power conferred by or under this Chapter shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

**CHAPTER - IX****FINANCE****Funds of the Board**

73. (1) The Board shall have and maintain its own fund to which shall be credited, --

(a) all moneys received by the Board from the Government by way of grants, loans, advances, donations, gifts or otherwise or from any other source;

(b) all moneys received by or on behalf of the Board under this Act including the sale proceeds of lands and other kinds of property sold by the Board, all rents and all interests, profits, or other moneys accruing to the Board under this Act.

(2) The Board may keep in current account of the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its funds as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) The Government may make such grants, advances and loans to the Board as it may deem necessary for the performance of the functions under this Act and all grants, loans and advances so made shall be on such terms and conditions as the Government may determine.

**Power of the Board to borrow and lend**

74. Subject to the provisions of this Act and subject to such conditions and limitations as may be prescribed by rules and with the previous approval of the Government, the Board may, --

(a) borrow money required for the purposes of this Act, from the public or from any corporation owned or controlled by the Government;

(b) take credit from any Bank or any corporation owned or controlled by the Government on a cash account to be kept in the name of the Board and mortgage all or any of the properties vested in the Board by way of security for such credit;

(c) for the promotion and execution of any housing or improvement schemes under this Act, enter into any financial arrangements with any Bank or other financial institutions approved by the Government or with the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956);

(d) grant loans and advances out of its funds on such terms and conditions as it may determine, to any co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force in the Union territory or to any other person for the construction of houses.

### Issue of debentures

75. (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board may, with the previous sanction of the Government, determine.

(2) All debentures shall be signed by the Chairman and by one of the members of the Board or by any other officer empowered by the Board in this behalf.

(3) The holder of any debenture in any form determined under sub-section (1) may obtain in exchange therefor a debenture in any other form determined under the said sub-section and on such terms as may be specified by the Board.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

(5) All coupons attached to debentures issued under this Act shall bear the signature of the Chairman; and such signature may be engraved, lithographed or impressed by any mechanical process.

### Payments to survivors of joint payees

76. When any debenture or security issued or granted under this Chapter is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything contained in section 45 of the Indian Contract Act 1872 (Central Act 9 of 1872), the debenture or security shall be payable to the survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of the deceased person against such survivor or survivors.

### Receipt by joint holder for interest or dividend

77. Where two or more persons are joint holders of any debenture or security issued or granted under this Chapter, any payment made to the first mentioned person therein of any dividend or interest payable in respect of such debenture or security shall be a full discharge of the liability of the Board in respect of such dividend or interest.

### Priority of payments for interest and re-payment of loans

78. In making payment of dues from the Board, the Board shall give priority to repayment of loans borrowed by it and of interest thereon over all other dues from the Board.

### Repayment of loans

79. Every loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board and subject to such restrictions and conditions as may be prescribed by rules in that behalf, by such of the following methods as may be approved by the Government, namely:-

- (a) from a sinking fund established under section 80 in respect of the loan; or
- (b) by paying in equal yearly or half-yearly instalments of principal or of principal and interest, throughout the said period; or
- (c) if the Board has, before borrowing money on debentures, reserved by public notice, a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods then, by paying such instalments at such periods; or
- (d) from money borrowed for the purpose; or
- (e) partly from the sinking fund established under section 80 in respect of the loan, and partly from money borrowed for the purpose.

#### **Establishment and maintenance of sinking fund**

80. (1) Whenever a loan has to be repaid from a sinking fund, the Board shall establish such fund and shall pay into it every year until the loan is repaid, a sum so calculated that if regularly paid throughout the period agreed upon by the Board, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

(2) The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by rules.

#### **Power to discontinue payments into sinking fund.**

81. Notwithstanding anything contained in section 80, if at any time the sum standing at credit of the sinking fund established for repayment of any loan is of such amount that if allowed to accumulate at the rate of interest prescribed by rules under sub-section (2) of that section, it will be sufficient to repay the loan at the end of the period agreed upon by the Board, then the Board may discontinue further annual payment into such fund.

#### **Investment of sinking fund**

82. All moneys paid into the sinking fund shall, as soon as possible, be invested by the Board in ---

- (a) Government securities; or
- (b) securities guaranteed by the Government.

#### **Application of sinking fund**

83. The sinking fund or any part thereof, shall, from time to time, be applied in or towards the discharge of the loan or any part of the loan for which such sinking fund was established; and until such loan is wholly discharged, it shall not be applied for any other purpose.

### Annual examination of sinking fund

84. (1) The Pay and Accounts Officer, Puducherry, shall examine the sinking fund of the Board every year and ascertain whether the cash and current value of the securities at credit of such funds are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The Board shall forthwith pay into the sinking fund any amount which the Pay and Accounts Officer may certify to be the deficiency therein after examination as aforesaid, unless the Government specially sanctions a gradual readjustment.

### Estimates of income and expenditure to be laid before the Board

85. (1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing year.

(2) Every such estimate shall make provision for the due fulfilment of all liabilities of the Board, and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds and shall be prepared in such form, and shall contain such details, as the Government may, from time to time, prescribe by rules.

(4) Every such estimate shall be compiled and printed and a copy thereof sent, by post or otherwise, to each member at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

(5) A revised estimate, if any, including all the expenditure not covered in the original estimate, shall be laid before the Board at a special meeting to be held in the month of December in each year.

### Sanction of estimates

86. The Board shall consider every estimate so laid before it and shall sanction the same, either without modification or with such modification as it may think fit.

### Approval of Government to estimates

87. (1) Every such estimate, as sanctioned by the Board, shall be submitted to the Government which may, at any time within three months after receipt of the same -

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof and return the estimate to the Board for amendment.

(2) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government for approval.

### Supplementary estimate

88. (1) The Chairman may, at any time, during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared, and laid before the Board at a special meeting.

(2) The provisions of sub-section (3) and (4) of section 85 and of section 86 and 87 shall apply to every such supplementary estimate.

### Adherence to estimate and maintenance of closing balance

89. (1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by the estimate approved by the Government or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such limit as may be fixed in this behalf by the Government, from time to time.

(3) The following items shall be exempted from the provisions of sub-sections (1) and (2) namely: -

(a) refund of moneys belonging to contractors or other persons held in deposit, and of moneys collected by, or credited to, the Board by mistake;

(b) sums payable under a compromise of any suit or other legal proceedings or claim effected under this Act;

(c) sums payable under this Act by way of compensation; and

(d) payments required to meet any pressing emergency.

(4) Whenever any sum exceeding ten thousand rupees is expended under clause (d) of sub-section (3), the Chairman shall forthwith report the circumstances to the Board explaining how it is proposed to cover the expenditure.

### Keeping of accounts

90. (1) The Board shall keep a capital account and a revenue account.

(2) Such sums as may be received by the Board under the provisions of this Act shall be divided and credited to the capital account or the revenue account, as the case may be, in such manner as may be prescribed by rules.

(3) Appropriation of amounts out of two different accounts referred to in sub-section (1) shall be specifically provided in the rules made in this behalf.



### Change from one account to the other

91. (1) The Board may, with the previous approval of the Government; advance to the Revenue account any sum from the moneys standing in the Capital account or from the Revenue account to the Capital account, in either case, for the purpose of meeting any expenditure relatable to the account to which money is advanced.

(2) Any deficit in the Revenue account at the end of any year may be made good by an advance from the Capital account after obtaining the approval of the Government.

### Budget of the Board

92. The Board shall prepare in such form and at such time every year as may be prescribed by rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Board in respect of the administration of this Act and shall forward to the Government such number of copies thereof as may be prescribed by such rules.

### Accounts and Audit

93. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by rules.

(2) The accounts of the Board shall be audited annually by the Pay and Accounts Officer, Puducherry or any other officer authorised by him in this behalf subject to the super-imposed audit of the Accountant-General to the extent necessary.

(3) The Pay and Accounts Officer, Puducherry or any person appointed by him in connection with the audit of accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Accountant-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board.

(4) The accounts of the Board as certified by the Pay and Accounts Officer, Puducherry or any person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Government.

### Annual reports

94. The Board shall prepare every year a report of its activities containing an abstract of the accounts of its receipts and expenditure during that year and submit the report to the Government in such form on or before such date as may be prescribed by rules.

## CHAPTER - X

### PENALTIES AND PROCEDURE

#### Penalty for removing fence, etc., in street

95. If any person, without lawful authority infringes any lawful order given by an authority under this Act, or removes any bar, chain or post fixed under sub-section (2) or section 52, he shall be punishable with fine which may extend to fifty rupees.

#### Penalty for building within street alignment or building line without permission

96. If any person, without the permission of the Board, erects, re-erects, adds to, or alters, any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable –

(a) with fine which may extend, in the case of a wall or masonry building, to five hundred rupees and in any other case, to fifty rupees; and

(b) where the offence is continued, with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees and in any other case, to ten rupees for every day after the first during which the projection continues.

#### Penalty for failure to comply with requisition made by auditor

97. If any person fails to comply with any requisition made by the auditor under section 93, he shall be punishable –

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing failure, with an additional fine which may extend to fifty rupees for every day after the first during which he has persisted in the failure.

#### Penalty for obstructing contractor or removing mark

98. If any person, --

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule or regulation made or scheme sanctioned thereunder; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule or regulation

made or scheme sanctioned thereunder, he shall be punishable with fine which may extend to two hundred rupees.

#### **Penalty for breach of the provisions of the Act, etc.**

99. Whoever contravenes any of the provisions of this Act or of any rule or regulation made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable –

- (a) with fine which may extend to one hundred rupees; and
- (b) in case of a continuing contravention, with an additional fine which may extend to fifty rupees for every day after the first during which he has persisted in the contravention.

#### **Compensation to be paid by offenders for damage caused by them**

100. (1) When any person is convicted of any offence under this Act or any rule or regulation made or scheme sanctioned thereunder, the magistrate convicting such person may, on application made to him in this behalf by the Board or by its officer or servant authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his act or omission in respect of which he is convicted.

(2) The magistrate shall record and consider any cause which such person may show and if the magistrate, after making such inquiry as he may think fit, is satisfied that such person is liable to pay compensation, may direct that compensation of such amount not exceeding one thousand rupees as he may determine, be paid by such person to the Board.

(3) The amount of compensation directed to be paid under sub-section (2), shall, if it be not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.

#### **Composition of offences**

101. (1) The Board, the Chairman or any person authorised by the Board in this behalf, by general or special order, may either before or after the institution of the proceedings compound any offence punishable under this Act.

(2) When the offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

#### **Fine realised to be paid to Board**

102. All fines realised in connection with prosecution under this Act shall be paid to the Board.

### Cognizance of offence under this Act

103. (1) No court shall take cognizance of any offence punishable under this Act or any rule or regulation made or scheme sanctioned thereunder unless a complaint of such offence is made by the Chairman within six months, next after the commission thereof.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

### Duty of police officers

104. It shall be the duty of every police officer –

(a) to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act or any rule or regulation made or scheme sanctioned thereunder;

(b) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence punishable under this Act; and

(c) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant under this Act or any rule or regulation made or scheme sanctioned thereunder.

### Arrest of offenders

105. (1) Any police officer not below the rank of a head constable may arrest any person who commits in his presence, any offence punishable under this Act or any rule or regulation made or scheme sanctioned thereunder, if the name or address of such person be unknown to him and if such person on demand declines to give his name or address, or gives a name or address which such officer has reason to believe to be false.

(2) (a) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a magistrate.

(b) In no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a magistrate.

### Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice

106. The Chairman may, subject to the control of the Board –

(a) institute, defend or withdraw any legal proceeding under this Act or any rule or regulation made or scheme sanctioned thereunder;

(b) admit, compromise or withdraw any claim made under this Act or any rule or regulation made or scheme sanctioned thereunder.

(c) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in, or imposed upon, the Board or any officer or servant of the Board.

#### **Protection of action taken in good faith**

107. No suit, prosecution or other legal proceeding shall lie against the Government, the Board or any Committee or member thereof or any officer or other employee of the Government or of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made or scheme sanctioned thereunder.

#### **Notice of suit against Board etc.**

108. No suit shall be instituted against the Board, or any member, or any officer or other employee of the Board, or any person acting under the direction of the Board, or of the Chairman in respect of any act done or intended to be done under this Act or any rule or regulation made or scheme sanctioned thereunder until the expiration of sixty days next after written notice has been delivered or left at the Board's office or the place of abode of such officer, employee or person, stating the cause of action, the name and the place of abode of the intending plaintiff, and the relief which he claims, and the plaint shall contain a statement that such notice has been so delivered or left.

#### **Proof of consent, etc., of Board or Chairman or officer or servant of the Board**

109. Whenever, under this Act or any rule or regulation made or scheme sanctioned thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of ---

(a) the Board or the Chairman, or

(b) any officer or servant of the Board, a written document signed in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

**Power of Chairman to direct removal of unauthorised erections, etc.,  
within street alignment, etc.**

110. (1) The Chairman may, by a written notice, require the owner for the time being of a wall or building referred to in section 96 to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.

(2) Where the alteration or demolition directed by any such notice is not carried out as directed therein the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed by rules.

**General power of the Board to pay compensation**

111. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested in the Board or the Chairman or any officer or employee of the Board by or under this Act.

**Public notice how to be made known**

112. (1) Every public notice required to be given under this Act or any rule or regulation made or scheme sanctioned thereunder shall be in writing and signed by the Chairman and shall be given publicity in the locality likely to be affected thereby, by any one or more of the following modes, namely: -

- (i) by affixing copies thereof in conspicuous public places in the said locality, or
- (ii) by beat of drum in the said locality, or
- (iii) by publishing the notice in leading daily newspapers in circulation in the said locality, or
- (iv) by any other mode which the Chairman may deem fit.

(2) Every notice under sub-section (1) shall also be affixed on the notice board of the Board's head office or sub-office.

**Publication in leading daily newspapers**

113. Whenever it is provided by this Act or any rule or regulation made or scheme sanctioned thereunder that any notice, scheme, notification or any other document shall be published in leading daily newspapers, such notice, scheme, notification or other document shall be published, as far as possible, in at least one English daily newspaper and in two daily newspapers in Tamil in circulation in the area to which such notice, scheme, notification or other document relates.

### Stamping signature on notices or bills

114. Every notice or bill, which is required by this Act or by any rule or regulation made or scheme sanctioned thereunder to bear the signature of the Chairman or any other member or of any officer or other employee of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other member or of such officer or other employee, as the case may be, stamped thereupon.

### Service how to be effected

115. Except where any specific mode of service is provided in this Act, any notice, bill or other document required by this Act or any rule or regulation made or scheme sanctioned thereunder to be served upon or issued or presented to any person, shall be served, issued or, as the case may be, presented --

- (a) by giving or tendering such notice, bill or other document to such person; or
- (b) if such person is not found, by leaving such notice, bill or other document at his last known place of abode, or by giving or tendering the same to some adult member of servant of his family; or
- (c) if his address elsewhere is known, by forwarding such notice, bill or other document to him by registered post under cover bearing the said address; or
- (d) if none of the means aforesaid be available, by causing a copy of such notice, bill or other document to be affixed on some conspicuous part of the building or land, if any, to which the notice, bill or other document relates.

### Power to make surveys, or contribute towards their cost.

116. The Board may --

- (a) cause the survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act; or
- (b) contribute towards the cost of any such survey made by any other local authority.

### Power of entry

117.(1) The Chairman or any officer of the Board either generally or specially authorised by the Chairman in 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 out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and lines by placing marks 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 rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder.

Provided that -

- (a) no such entry shall be made between sunset and sunrise;
- (b) no dwelling house, or public building or hut which is used as a dwelling place, shall be entered into, except with the consent of the occupier thereof, or after giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;
- (c) sufficient notice shall in every case be given, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the premises entered into.

(2) The Chairman or the officer authorised under sub-section (1) shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered; he shall at once refer the dispute to the decision of the Board, and such decision shall be final.

## CHATER - XI

### MISCELLANEOUS

#### Powers of the Board for facilitating movement of the population

118. With a view to facilitating the movement of the population in and around any city, town or village, the Board may from time to time, ---

- (a) subject to any condition it may think fit to impose ---
  - (i) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expenditure on the construction, maintenance or working of means of locomotion; or
  - (ii) make such payments as it may think fit from the said funds, by way of subsidy to persons, undertaking to provide, maintain and work means of locomotion; or
- (b) either singly or in combination with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto; or
- (c) construct or widen, strengthen or otherwise improve bridges:



Provided that no guarantee or subsidy shall be made under clause (a), and no means of locomotion shall be constructed, maintained or worked under clause (b), without the sanction of the Government.

#### **Members and Officers to be public servants**

119. Every member and every officer of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

#### **Sanction of prosecution**

120. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board or any officer authorised by the Board in this behalf.

#### **Board and Chairman to exercise powers and functions of local authority**

121. In any area in respect of which a housing or improvement scheme is in force, the Government may, by notification in the Official Gazette, direct that subject to such restrictions and conditions as may be specified in the notification, the Board and the Chairman shall exercise such of the powers and discharge such of the duties of a local authority having jurisdiction over the said area as may be specified in the notification.

#### **Supply of documents, etc., to Government**

122. The Government may direct the Chairman to forward to it any papers laid before the Board for consideration at any meeting thereof or to furnish any return, statement, estimate, statistical or other information, report or any document regarding any matter under the control of the Board and thereon it shall be the duty of the Chairman to comply with such directions.

#### **Submission of administration report to Government**

123. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Board shall submit to the Government a detailed report of its administration during the preceding year in such form as the Government may direct.

(2) The Chairman shall prepare such report and the Board shall consider the report and forward the same to the Government with its resolutions thereon, if any.

### Power of Government to give directions to the Board and local authorities

124. (1) The Government 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 thereupon be the duty of the Board to comply with such directions.

(2) The Government may give any local authority such directions as in its opinion are necessary or expedient for enabling the Board to carry out the purposes of this Act, after giving an opportunity to the local authority concerned to state its objections if any, to such directions, and after considering the said objections; and it shall thereupon be the duty of such local authority to comply with such directions.

### Supersession of the Board

125. (1) If the Government is of opinion that the Board is unable to perform, or has persistently, made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, it may, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification.

Provided that before issuing a notification under this sub-section, the Government shall by notice require the Board to show cause within such period as may be specified in the notice why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board —

(a) the Chairman and all the members of the Board shall, as from the date of supersession, vacate their offices as such;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board and the Chairman, shall, during the period of supersession, be exercised and performed by such authority or person as the Government may direct;

(c) all funds and other property vested in the Board shall, during the period of supersession vest in the authority or person referred to in clause (b); and

(d) all liabilities legally subsisting and enforceable against the Board, shall be enforceable against the authority or person referred to in clause (b) to the extent the funds and properties vested in it or him.

(3) If, before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government considers that the supersession of the Board should be continued for a further period, the Government may, by notification in the Official Gazette, extend the supersession for such further period as may be specified in the notification.

(4) If the period of supersession is not extended under sub-section (3), the Government may, on the expiration of the period of supersession specified in the notification issued under sub-section (1), reconstitute the Board in the manner provided in section 3.

### Dissolution of the Board

126. (1) If the Government is of opinion that the Board has failed to carry out its functions under this Act or that for any other reason it is not necessary to continue the Board, it may, by notification in the Official Gazette, dissolve the Board from such date as may be specified in the notification.

(2) Upon the publication of the notification under sub-section (1) dissolving the Board --

(a) the Chairman and all the members of the Board shall, as from the date of dissolution, vacate their offices as such;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised and performed by or on behalf of the Board and the Chairman shall, as from the date of dissolution, be exercised and performed by the Government or such authority or person as it may appoint in this behalf;

(c) all funds and other property vested in the Board shall vest in the Government; and

(d) all liabilities, legally subsisting and enforceable against the Board, shall be enforceable against the Government to the extent of the funds and properties vested in it.

### The Board to be a local authority under Central Act 1 of 1894 and Central Act 9 of 1914

127. The Board shall be deemed to be a local authority for the purposes of the Land Acquisition Act, 1894 (Central Act 1 of 1894), and the Local Authorities Loans Act, 1914 (Central Act 9 of 1914).

### Finality of orders

128. Save as otherwise expressly provided in this Act, every order passed or direction or notice issued by the Government or the Board under this Act shall be final and shall not be questioned in any suit or other legal proceedings.

### Power to make rules

129.(1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) the term of office and conditions of service of the Chairman and members of the Board, under sub-section (1) of section 5;
- (b) the period for which a non-official member shall be disqualified for appointment as a member, under sub-section (3) of section 9;
- (c) the regulation of appointments by the Board of its officers and employees, under section 10;
- (d) the regulation of delegation by the Chairman of his powers, duties and functions under section 12;
- (e) the manner in which and the purpose for which the Board may associate with itself any person, under sub-section (1) of section 15;
- (f) the regulation of taking part, by any member of the Board or of a Committee or by any person associated with the Board, in any proceeding of the Board, or Committee under section 17 relating to a matter in which he is personally interested;
- (g) the manner of making or executing contracts or agreements, under section 24;
- (h) the form of notice, under sub-section (1) of section 42;
- (i) the regulation of the disposal of land by the Board, under section 62;
- (j) the other manner of serving notice, under sub-section (1) of section 68 or sub-section (1) of section 69;
- (k) the manner of assessing damages by the competent authority, under section 69;
- (l) the sum to be kept by the Board in current account of a bank, under sub-section (2) of section 73;
- (m) the conditions and limitations subject to which the Board may borrow money or grant loan, under section 74;
- (n) the restrictions and conditions subject to which loans taken by the Board shall be repaid by it, under section 79;
- (o) the rate of interest, under sub-section (2) of section 80;
- (p) the form and particulars of estimate, under sub-section (3) of section 85;
- (q) the manner of crediting to the capital and revenue accounts the sums received by the Board and the appropriation of amounts, under sub-sections (2) and (3) of section 90;
- (r) the form in which and the time within which the budget showing the estimated receipts and expenditure of the Board should be prepared, under section 92 and the number of copies thereof to be forwarded to the Government;
- (s) the form of annual statement of accounts including the balance sheet to be prepared by the Board, under sub-section (1) of section 93;
- (t) the form of annual report to be submitted by the Board and the date before which it shall be submitted under section 94;
- (u) the manner of recovering expenses, under sub-section (2) of section 110;
- (v) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published in the Official Gazette.

(4) Every rule made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### Power to make regulations

130. (1) The Board may, by notification, in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provided for:-

(a) the terms and conditions of service of officers and other employees of the Board, under section 11;

(b) the times and places of meetings of the Board including the quorum and the procedure in regard to transaction of business at such meetings, under sub-section (1) of section 14;

(c) the duties to be discharged and the functions to be performed by Committees and the terms and conditions subject to which such duties shall be so discharged or functions performed, under sub-section (1) of section 16;

(d) the procedure in regard to transactions of business at the meetings of Committees, under sub-section (2) of section 16;

(e) the duties and conduct of officers and other employees of the Board and of other persons employed by the Board;

(f) the welfare and recreation of the staff of the Board and the contributions to be made therefor;

(g) the fees payable for the copies of documents, estimates and plans furnished by any of its officers and other employees under this Act;

(h) the management, use and regulation of dwellings constructed under any housing or improvement scheme;

(i) the efficient conduct of the affairs of the Board;

(j) any other matter which has to be, or may be prescribed by regulations.

(3) No regulation on its cancellation or modification shall have effect until the same shall have been approved and confirmed by the Government.

**Power to remove difficulties**

131. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

**Amendment of section 11 of Act 13 of 1970**

132. (1) In section 11 of the Puducherry Town and Country Planning Act, 1969 (Act 13 of 1970), for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Every Planning Authority constituted under sub-section (1) shall consist of the following members, namely: --

- (i) A Chairman, being the Chairman of the Housing Board established under sub-section (3) of section 3 of the Puducherry Housing Board Act, 1973, to be appointed by the Government;
- (ii) the members of the Housing Board referred to in clauses (b) to (h) (both inclusive), of sub-section (3) of section 3 of the said Act holding offices as such for the time being; and
- (iii) a member to be nominated by the Government from amongst persons elected as members of the local authority or authorities having jurisdiction over the planning area."

(2) The provisions of sub-section (1) shall take effect from the date on which the Housing Board is established under sub-section (1) of section 3 of this Act.

**STATEMENT OF OBJECTS AND REASONS FOR ACT NO.7 OF 1974**

In the Union territory of Puducherry the construction of houses under the various Housing Schemes is at present being carried out by the Public Works Department, in the absence of a separate agency to carry out these schemes. The Housing problem has assumed such serious dimensions that it is felt, that the problem should be tackled by constituting a Housing Board equipped with the necessary statutory powers of unifying activities relating to Housing, Planning and allied matters.

The Bill proposed on the lines of the Tamil Nadu Act on the subject, provides for the constitution of a Housing Board to coordinate all housing activities in the State, to ensure the proper implementation of housing or improvement schemes in the State, to provide technical advice and to scrutinise all projects under housing or improvement schemes sponsored or assisted by the Central or State Government.

The Bill seeks to achieve the aforesaid objects.

**STATEMENT OF OBJECTS AND REASONS FOR ACT NO.12 OF 1980**

The Puducherry Housing Board Act enables non-officials to be appointed as Chairman and Members of the Board. It is felt desirable to include suitable provision in the Act to prevent disqualification of such chairman and members for being chosen as the members of the Legislative Assembly by way of abundant caution.

According to the proviso to section 14 of the Puducherry Housing Board Act, the Board shall meet at least once in every month. It has been decided that it would suffice if the Board meets at least once in three months. The proviso to section 14 is proposed to be amended accordingly.

The present Bill seeks to achieve the above objects.

**STATEMENT OF OBJECTS AND REASONS FOR ACT NO.11 OF 1987**

By virtue of the proviso to section 61 of the Puducherry Housing Board Act, 1973, the Puducherry housing Board is conferred with the power to purchase, lease or exchange without the previous approval of the Government, any land by negotiation and agreement with the owner of that land, if the value of such land does not exceed ten thousand rupees.

Since the cost of the land escalated manifold in the part few years, it is not practically possible for the Board to exercise its powers to purchase lands within the above limit by negotiation and agreement. It is therefore proposed to enhance the monetary limit prescribed in the proviso to section 61 of the said Act from ten thousand rupees to five lakh rupees.

The Bill seeks to achieve the above object.