



The Rajasthan Housing Board Act, 1970

Act 4 of 1970

Keyword(s):

Adjoining Area, Board Premises, Building Materials, Housing Scheme, Land, Master Plan

Amendment appended: 12 of 2020

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.

LAW DEPARTMENT

NOTIFICATION

Jaipur, April 18, 1970.

No. F. 7 (4) Vidhi 70.—In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English Language of the Rajasthan Avasala Board Adhiniyam, 1970 (Adhiniyam Sankha 4, San 1970)

(English Translation,)

THE RAJASTHAN HOUSING BOARD ACT, 1970

(Act No. 4 of 1970)

[Received the assent of the Governor on the 18th day of April, 1970]

An

Act

to provide for measures to be taken to deal with and satisfy the need of housing accommodation in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twenty first year of the Republic of India as follows:—

CHAPTER I

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act may be called the Rajasthan Housing Board Act, 1970.

(2) It extends to the whole of the State of Rajasthan.

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

(1) “adjoining area” means such area as may be specified to be an adjoining area under section 28 of this Act;

(2) “Board” means the Rajasthan Housing Board constituted under section 4 of this Act;

(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) “building materials” means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Act;

(5) “bye-laws” means bye-laws made under section 54 of this Act;

(6) “Chairman” means the Chairman of the Board;

(7) “Committee” means any committee appointed under section 19 of this Act;

(8) "Government or State Government" means the Government of the State of Rajasthan;

(9) "Housing Commissioner" means the Housing Commissioner of the Board;

(10) "Housing Scheme" means a housing scheme framed under this Act and includes a scheme for the development of land required for the purposes of the scheme.

(11) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(12) "local authority" includes a Municipal Board established under section 7 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), a Panchayat established under section 3 of the Rajasthan Panchayat Act, 1953 (Act 21 of 1953) or a Panchayat Samiti or a Zila Parishad respectively constituted under sections 7 and 42 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Act 37 of 1959);

Explanation.—The expression "Municipal Board", wherever used in this Act, shall be deemed to include a Municipal Corporation, a Municipal Council or any other Municipal authority;

(13) "master plan" means the master plan prepared and approved for any urban area in accordance with the provisions of Chapter II of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959);

(14) "member" means the Chairman and other members of the Board;

(15) "notification" means a notification published in the Official Gazette;

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

(i) the gardens, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(17) "prescribed" means prescribed by rules;

(18) "programme" means the annual housing programme prepared by the Board under this Act;

(19) "regulations" means regulations made under section 53 of this Act;

(20) "rules" means rules made under section 52 of this Act;

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

(22) "Trust" means an Improvement Trust established under section 8 of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959);

(23) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

3. All words and expressions used but not defined in this Act shall have the same meanings as are assigned to them by the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) or the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) as may be relevant in the context.

CHAPTER II

Establishment of the Board.

4. *Establishment of the Board.*—(1) The State Government may, by notification in the Official Gazette, establish, for the purposes of this Act, a Board to be called "The Rajasthan Housing Board", hereinafter called the 'Board', with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to enter into contracts and may by its corporate name sue and be sued and do all things and acts necessary for the purposes of this Act.

(3) For the purposes of this Act and the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), the Board shall be deemed to be a local authority.

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

5. *Constitution of the Board.*—(1) The Board shall consist of a Chairman appointed by the State Government and of the following other members, namely :—

- (a) Financial Commissioner, Government of Rajasthan, ex-Officio member;
- (b) Secretary to Government, Town Planning Department, ex-Officio member;
- (c) Chief Town Planner and Architectural Adviser, ex-Officio member;
- (d) Housing Commissioner of the Board, ex-Officio member; and
- (e) six non-official members, appointed by the Government, of whom one shall belong to the Schedule Castes or Scheduled Tribes.

(2) The names of the Chairman and other members appointed under sub-section (1) shall be published in the Official Gazette.

(3) A non-official member of the Board may at any time resign his office by submitting his resignation to the State Government:

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

(4) The State Government may, by notification in the Official Gazette, remove from office the Chairman or any other member who—

- (a) is, or has become, subject to any of the disqualifications mentioned in section 7, or
- (b) in the opinion of the State Government, has been guilty of any misconduct or neglect or has so flagrantly abused his position as to render his continuance as member detrimental to the interests thereof or of the general public:

Provided that no person shall be removed from office unless he has been given an opportunity to show cause against his removal.

6. *Term of office of the Chairman and non-official members.*—(1) The Chairman and the non-official members of the Board shall hold office for a period of three years from the date of their appointment as Chairman, or as the case may be, other members:

Provided that the term of office of the Chairman and the non-official members may be extended by the Government for a period not exceeding two years.

(2) The Chairman and the non-official members shall on expiry of the term of their office be eligible for re-appointment.

7. *Disqualifications for appointment on the Board.*—(1) A person shall be disqualified for being appointed or for continuing as the Chairman or 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; or
- (f) is a director or a secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(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 salaried 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 up 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 his 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 of the Housing Commissioner shall not be deemed to be an officer or servant under the Board.

8. *Remuneration to the Chairman and members.*—(1) The Chairman shall be paid such remuneration and allowances as may, from time to time, be fixed by the Government.

(2) Every member shall receive such allowances as may be fixed by the Government.

(3) The allowances to the members and the remuneration to the Chairman shall be paid from the fund of the Board.

9. *Leave of absence for the Chairman and appointment of an acting Chairman.*—(1) The Government may, from time to time, grant to the Chairman such leave as may be admissible under the rules.

(2) Whenever there is a temporary vacancy in the office of the Chairman, the Government may appoint a person to act as Chairman during the period of such vacancy and shall pay to such person such remuneration and allowances as may be fixed by them. The person so appointed shall be deemed for all purposes of this Act to be the Chairman.

10. *Vacancy of a member.*—If a member :

- (a) becomes subject to any of the disqualifications mentioned in section 7,
- (b) tenders his resignation in writing to the Government and the same is accepted, or
- (c) is absent without the permission of the Board from three consecutive meetings of the Board,

he shall cease to be a member, from such date as the Government may declare.

11. *Vacancy to be filled as early as practicable.*—Any vacancy of the Chairman or a member of the Board shall be filled in as early as practicable and the term of such appointment shall be for the remainder of the term of the Chairman or the member as the case may be:

Provided that during any such vacancy, the continuing members may act, as if no vacancy had occurred.

12. *Proceedings presumed to be good and valid.*—No disqualification of or defect in the appointment of any person acting as Chairman or a member of the Board shall be deemed to vitiate any act or proceeding of the Board, if such act or proceeding is otherwise in accordance with the provisions of this Act.

13. *Temporary absence of members.*—If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder.

14. *Appointment of officers and servants and creation of posts.*—(1) The Board shall have a Housing Commissioner, an Architect, a Secretary, a Chief Accounts Officer and such other officers and servants as the Board may consider necessary for the efficient performance of its functions.

(2) The appointments of the Housing Commissioner, Secretary and Chief Accounts Officer shall be made by the Board, subject to the previous approval of the State Government and the appointments of other officers and servants of the Board shall be made by the Board:

Provided that the Board shall not appoint any officer in the scale of pay the maximum of which exceeds one thousand and two hundred rupees a month, without obtaining the previous sanction of the State Government.

(3) The Board shall have power to create any post on its establishment:

Provided that no new post, the scale of pay of which exceeds one thousand and two hundred rupees per month shall be created by the Board, without the previous sanction of the State Government.

15. *Conditions of service of officers and servants.*—The remuneration and other conditions of service of the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board shall be such as may be determined by regulations.

16. *Provident Fund.*—(1) The State Government shall establish a provident fund for the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board and such provident fund shall be deemed to be a Government Provident Fund for the purposes of the Provident Funds Act, 1925 (Central Act XIX of 1925), notwithstanding anything contained in section 8 thereof and such fund may be administered by such officers of the State Government, or of the Board, as the State Government may specify in that behalf.

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

17. *Preparation and maintenance of schedule of establishment.*—Before the first day of May of every year, the Board shall prepare and maintain a schedule of establishment as on the first day of April of that year showing—

- (i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to any temporary work), whom it considers necessary and proper to employ for the purposes of this Act;
- (ii) the amount and nature of the salary, fees and allowances to be paid by the Board to each such officer or servant; and
- (iii) the amount to be paid by the Board towards leave salary, pension, provident fund or any other purpose in respect of each such officer or servant.

18. *General disqualification of all officers and servants.*—No person who has directly or indirectly by himself or his partner or agent any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

19. *Appointment of Committees.*—(1) Subject to any rules made in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing the efficient discharge of its functions, and in particular for the purpose of securing that the said functions are discharged with due regard to the circumstances and requirements of particular local areas.

(2) Any Committee appointed under sub-section (1) shall meet to discharge the functions assigned to it in such manner as may be directed by the Board.

Conduct of Business.

20. *Meetings of the Board.*—The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :—

- (a) an ordinary meeting shall be held once in every two months;
- (b) the Chairman may, whenever he thinks fit, call special meetings;
- (c) every meeting shall be presided over by the Chairman and in his absence, by any member chosen by the meeting to preside for the occasion;
- (d) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote; and
- (e) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

21. *Temporary Association of persons with Board for particular purpose.*—(1) The Board may associate with itself, any person whose assistance or advice it may desire for carrying into effect any of the provisions of this Act:

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

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the deliberations of the Board relevant to that purpose, but shall not have the right to vote.

(3) The State Government may, by order, depute its representatives to attend any meeting of the Board and to take part in the deliberations of the Board, on such items or subjects as the State Government may specify, but such representatives shall not have the right to vote.

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

23. *Execution of contract.*—(1) Every contract shall be made on behalf of the Board by the Chairman;

Provided that:—

- (a) no contract involving an expenditure of rupees ten lacs and more shall be made without the previous sanction of the State Government; and

- (b) no contract involving an expenditure of five thousand rupees and more shall, subject to clause (a) above, be made without the previous sanction of the Board.

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

24. *Delegation of Board's power to sanction contracts.*—Subject to any rule which the State Government may make in this behalf, the Board may by order direct that the power conferred on it under section 23 to sanction a contract shall be exercised by the Housing Commissioner or any other officer specified by it in the order.

25. *Further provisions as to execution of contracts.*—(1) Every contract by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

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

CHAPTER III

Housing Schemes.

26. *Powers and duties of the Board to undertake Housing Schemes.*—

(1) Subject to the provisions of this Act and subject to the control of the State Government, the Board may, from time to time incur expenditure and undertake works in any area in which this Act is in force for the framing and execution of such housing Schemes as it may consider necessary.

(2) The Housing Scheme may be of one of the following types, or combination of any two or more of such types or of any special features hereof, namely:—

- (a) a house accommodation scheme with special emphasis for the scheduled castes, scheduled tribes and other economically backward classes;
- (b) a rebuilding scheme;
- (c) a rehousing or rehabilitation scheme;
- (d) a city or town or village expansion scheme;
- (e) a commercial or commercial-cum-residential scheme;
- (f) an Urban Renewal Scheme including of Slum Clearance or Slum Improvement Schemes;
- (g) a Subsidised Industrial Housing Scheme; or
- (h) any other scheme with the approval of the State Government.

(3) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme whether provided for by this Act or not, and the Board shall thereupon undertake the framing and execution of such scheme as if it had been provided for by this Act.

(4) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme on behalf of a local authority or co-operative society or on behalf of an employer when the houses are to be built mainly for the residence of his employees, and the Board shall execute such scheme as if it had been provided for by this Act.

27. *Ban on new constructions or additions or alterations in the proposed scheme area.*—The Board shall, as soon as it frames and decides to execute any scheme either at its own instance or at the instance of the State Government or a local authority, the State Government may, at the request of the Board, publish a notification in the Official Gazette giving particulars and specifications of the scheme and declaring that the Board has decided to frame and execute the scheme together with a notice inviting every person interested to see the detailed plans and specifications of the scheme in the office of the Board on any working day within one month of the publication of the notice, and upon such publication of such notification together with the notice as aforesaid, no person shall make any new construction in the area covered by the scheme or make any additions or alterations in any existing structure in the scheme area without the written permission of the Board.

28. *Matters to be provided for by housing schemes.*—Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely:—

- (a) the acquisition by purchase, exchange or otherwise of any property necessary for 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 site belonging to owners of 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, letting or exchange of any property comprised in the scheme;
- (h) the construction and alteration of streets and back lanes;
- (i) the formation of a reconstituted plot by the alterations of the boundaries of an original plot;
- (j) the allotment of a plot to any owner dispossessed of his land in furtherance of the housing scheme;
- (k) the transfer of ownership of a plot from one person to another;

- (l) the reconstitution of two or more plots belonging to different persons into one plot without changing their boundaries and making them joint property with the consent of the owners of the original plots;
- (m) the provision of draining, water-supply and lighting of the area included in the scheme;
- (n) the provision of parks, playing-fields and open spaces for the benefit of any area comprised in the scheme or any adjoining areas, and the enlargement of existing parks, playing-fields, open spaces and approaches;
- (o) the reclamation or reservation of lands for markets, gardens, playing-fields, schools, dispensaries, hospitals and other amenities in the scheme;
- (p) the letting out, management and use, of the Board premises;
- (q) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of, and prevention of any injury or contamination to reverse or other sources and means of water-supply;
- (r) the provision of accommodation for any class of inhabitants;
- (s) the advance of money for the purpose of the scheme;
- (t) the provision of facilities for communication and transport;
- (u) the collection of such information and statistics as may be necessary for the purposes of this Act;
- (v) any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

Explanation.—For the purposes of this section, the State Government may, on the recommendation of the Board, by notification in the Official Gazette, specify such area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

29. *Submission of budget to Board.*—(1) The Chairman shall, at a special meeting to be held in the month of January in each year, lay before the Board, a budget of the Board, for the next year.

(2) Every such budget shall be prepared in such form as may be prescribed and shall make provision for:

- (i) the housing schemes which the Board proposes to execute whether in part or whole during the next year,

(ii) the due fulfilment of all the liabilities of the Board, and

(iii) the efficient administration of this Act and shall contain a statement showing the estimated receipts, and expenditure on capital and revenue accounts for the next year, and such other particulars as may be prescribed.

30. *Board's sanction to budget.*—The Board shall consider the budget laid before it under the last preceding section and sanction it with or without modifications.

31. *Submission of sanctioned budget to State Government for approval.*—(1) Every budget sanctioned by the Board under the last preceding section shall be submitted to the State Government for approval. Within two months of the receipt of the budget, the State Government may approve the budget as sanctioned by the Board or return it to the Board for making such modifications therein as the State Government may deem fit.

(2) Where a budget is returned to the Board by the State Government for making any modifications therein, the Board shall forthwith make such modifications and submit the budget as so modified to the State Government, which may then approve it.

32. *Supplementary budget.*—The Chairman may, at any time during the year for which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of sections 28, 29, 30 and 31 shall apply to such supplementary budget.

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

34. *Variation of housing schemes.*—The Board may at any time vary any housing schemes or any part thereof included in the budget approved by the State Government:

Provided that no such variation shall be made if it involves an expenditure in excess of 10 per cent. of the amount as included in the budget approved by the State Government for the execution of any housing scheme or if it affects the scope or purpose of such scheme.

35. *Transfer to the Board for purposes of housing scheme of land vested in a local authority.*—(1) Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in a local authority is required for the purposes of any housing Scheme included in the budget approved by the State Government, the Board shall give notice to the local authority concerned to transfer to it the required street, square or other land, or any part thereof as the case may be.

(2) Where the local authority concurs, such street, square or other land, or part thereof, shall vest in the Board.

(3) Where there is any dispute, the matter shall be referred to the State Government. The State Government shall, after hearing the local authority concerned, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square, land, or part thereof, shall vest in the Board, it shall vest accordingly.

(4) The vesting of street, square, land or a part thereof under sub-section (2) or (3) of the section shall be notified in the Official Gazette.

(5) Nothing in this section shall affect the duties and obligations of the local authority in respect of such street, square or land and the local authority concerned shall be liable to render all the municipal services usually provided by it in the land vested in the Board under this section notwithstanding such vesting.

36. *Power of Board to turn or close public street vested in it.*—(1) The Board may turn, divert, discontinue the public use of, or permanently close, any public street or a part thereof vested in it.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street or any part thereof, vested in it, it shall, as far as practicable, provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the street or part thereof.

(3) When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

37. *Vesting in local authority of streets laid out or altered and open space provided by the Board under housing scheme.*—(1) Whenever the State Government is satisfied—

- (a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained as required for any housing schemes approved by the State Government under section 31;
- (b) that such lamps, lamp-posts and other apparatus as the local authority concerned considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided; and
- (c) that water and other sanitary conveniences have been duly provided in such street, it may declare the street to be a public street, and the street shall thereupon vest in the local authority concerned and shall thenceforth be maintained kept in repair, lighted and cleaned by the local authority concerned.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may at its option by resolution transfer such open space to the

local authority concerned on completion of the scheme and thereupon such open space shall vest in, and be maintained at the expense of the local authority:

Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay-out such space and provide foot-paths therein, and if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and local authorities in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision thereon shall be final.

38. *Other duties of the Board.*—(1) It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use the Board premises and to collect rents, compensation and damages in respect thereof.

(2) The Board may,—

- (i) provide technical advice to the State Government and scrutinize projects under housing schemes in the area to which this Act extends when required by the State Government to do so;
- (ii) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions;
- (iii) undertake comprehensive surveys of problems of housing; and
- (iv) do all things for—
 - (a) unification, simplification and standardisation of building materials;
 - (b) encouraging pre-fabrication and mass production of house components;
 - (c) organising or undertaking the production of building materials for residential or non-residential houses; and
 - (d) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

39. *Power to exempt schemes from provisions of sections 29 to 34.*—The State Government may by general or special order published in the Official Gazette, exempt any housing scheme undertaken by the Board from all or any of the provisions of sections 29 to 34 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

CHAPTER IV

Finance, Accounts and Audit.

40. *Board's Fund.*—(1) The Board shall have its own fund.

(2) The Board may accept grants, subventions, donations and gifts from the Central or State Government or a local authority or any Individual or body, whether incorporated or not for all or any of the purposes of this Act.

(3) The State Government may every year make a grant to the Board of a sum equivalent to the administrative expenses of the Board:

Provided that the amount of such grant may be reduced or discontinued to the extent the financial position of the Board warrants.

(4) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the Reserve Bank of India or in any Nationalised Bank or other scheduled Bank, invested in such securities as may be approved by the State Government.

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

41. *Application of the Fund.*—All property, fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

42. *Expenditure in case of urgency.*—(1) Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year:—

(a) recurring expenditure not exceeding twenty-five thousand rupees, and

(b) non-recurring expenditure not exceeding one lac of rupees.

(2) Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.

43. *Subventions and loans to the Board.*—(1) The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

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

44. *Power of Board to Borrow.*—(1) The Board may, from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

(2) The rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers or the Life Insurance Corporation of India.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government may, from time to time, determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

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

45. *Accounts and audit.*—(1) The Board shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare in accordance with the rules an annual statement of accounts.

(2) The Housing Board accounts shall, from time to time, once in every year be audited by the Examiner of Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954).

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.

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

46. *Concurrent and special audit of accounts.*—(1) Notwithstanding anything contained in section 45, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit and remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government.

CHAPTER V

Miscellaneous.

47. *Reports.*—The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the State Government a report on such matters as may be prescribed.

(2) The State Government shall, as soon as may be, cause the report submitted by the Board to be laid before the House of the State Legislature

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

49. *Power of entry.*—The Chairman or any person 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 boundaries and intended lines of work;
- (e) to make such levels, boundaries and lines of works and cutting trenches; or
- (f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned thereunder:

Provided that,—

- (i) no such entry shall be made between sunset and sunrise;
- (ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;
- (iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the

inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy may not be disturbed; and

- (iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

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

51. *Valuation of assets and liabilities of the Board.*—The Board shall at the end of every five years have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government:

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

52. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely :—

- (a) the allowances of members and remuneration and conditions of service of the Chairman;
- (b) the rates of subscriptions and contributions and other conditions of the provident fund established under section 16;
- (c) the manner and form in which contracts shall be entered into under section 25;
- (d) the form of the annual budget to be laid before the Board under section 29 and the other particulars to be contained therein;
- (e) the manner of publication of housing schemes included in the budget under section 33;
- (f) the conditions subject to which the Board may borrow any sum under section 44;
- (g) the manner of preparation, maintenance and publication of accounts under section 45;

- (h) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 47;
- (i) the time at which and the form and manner in which statistics, returns, particulars, statements/documents and papers shall be submitted under section 48;
- (j) the manner in which the Board shall be superseded and re-constituted under section 61; and
- (k) any other matter which is or may be prescribed under this Act.

(3) All rules made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than 14 days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may, so however that any such modification or annulment shall be without prejudices to the validity of anything previously done thereunder.

53. *Power to make regulations.*—(1) The Board may, from time to time, with the previous sanction of the State Government, make regulations consistent with this Act and with any rules made under this Act—

- (a) for the management and use of buildings constructed under any housing scheme;
- (b) the principles to be followed in allotment of tenements and premises;
- (c) the remuneration and conditions of service of the Housing Commissioner and other officers and servants of the Board under section 15;
- (d) for regulating its procedure and the disposal of its business.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulation in respect of matters specified in sub-section (1) or to amend any regulation made under that sub-section, it may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

54. *Power to make bye-laws.*—(1) The Board may make bye-laws, not inconsistent with this Act which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.

(2) A bye-law made under this section may provide that a contravention thereof shall be an offence.

(3) A bye-law made under this section may provide for any matter covered by a bye-law made under the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) and on publication of such bye-law, any bye-law made under section 90 of the Rajasthan Municipalities Act, 1959, shall cease to have effect as respects the matters covered by the bye-law made under this section, in the area where such bye-law shall apply.

(4) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification.

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

55. *Penalty for contravention of bye-laws.*—Whoever contravenes a bye-law made under section 54 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

56. *Penalty for obstructing.*—If any person—

(a) obstructs, or molests any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

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

he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

57. *Authority for prosecution.*—Unless otherwise expressly provided, no Court shall take cognisance of any offence punishable under this Act except on the complaint of, or upon information received from, the Board or some person authorised by the Board by a general or special order in this behalf.

58. *Members, officers and servants of the Board to be public servants.*—All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

59. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

60. *Government's power to give directions to the Board.*—The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Board to comply with such directions.

61. *Default in performance of duty.*—(1) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty.

(2) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government notwithstanding anything contained in section 6, to supersede and reconstitute the Board in the prescribed manner.

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

62. *Dissolution of the Board.*—(1) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, the Board shall be dissolved.

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


- (a) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government,
- (b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government.

(3) Nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 44.

63. *Repeal and Savings.*—(1) The Rajasthan Housing Board Ordinance, 1970 (Rajasthan Ordinance 3 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken in the exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act.

दुर्गा शंकर आचार्य,
Secretary to the Government

 सत्यमेव जयते	राजस्थान राज-पत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
	साधिकार प्रकाशित	<i>Published by Authority</i>
	चैत्र 26, बुधवार शाके 1942- अप्रेल 15, 2020 <i>Chaitra 26, Wednesday, Saka 1942- April 15, 2020</i>	

भाग-4(क)

राजस्थान विधान मंडल के अधिनियम।

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)**

NOTIFICATION

Jaipur, April 14, 2020

No. F. 2(14)Vidhi/2/2020.- The following Act of the Rajasthan State Legislature which received the assent of the Governor on the 14th day of April, 2020 is hereby published for general information:-

THE RAJASTHAN HOUSING BOARD (AMENDMENT) ACT, 2020

(Act No. 12 of 2020)

(Received the assent of the Governor on the 14th day of April, 2020)

An

Act

further to amend the Rajasthan Housing Board Act, 1970.

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Housing Board (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Insertion of new sections 51-A, 51-B and 51-C, Rajasthan Act No. 4 of 1970.- After the existing section 51 and before the existing section 52 of the Rajasthan Housing Board Act, 1970 (Act No. 4 of 1970), hereinafter referred to as the principal Act, the following new sections shall be inserted, namely:-

"51-A. Recovery of sum due to the Board as arrears of land revenue.-

Where any sum in respect of any premises or property payable to the Board, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date into the office of the Board or to a person authorized by the Board, it shall be recovered as the arrears of land revenue, by the Board or the officer authorized on the behalf by it, in the manner as provided in the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) and rules made thereunder, from the person in default.

51-B. Encroachment or obstruction upon premises or property belonging to the Board.- (1) Whoever makes any encroachment on any premises or property which belongs to or vests in the Board shall, on conviction, be punished with simple imprisonment which shall not be less than three months but which may extend to

three years and with fine which shall not be less than thirty thousand rupees but which may extend to fifty thousand rupees:

Provided that the court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than three months.

(2) Whoever makes even temporary obstruction without prior permission of the Board in the way, shall, on conviction, be punished with simple imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both.

(3) The Board or any officer authorized by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(4) Notwithstanding anything contained in the foregoing provisions, after obtaining prior permission of the State Government, the Board or the officer authorized by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property and vehicles found on the premises or property referred to in this section or, as the case may be, attached to such premises or property or permanently fastened to anything attached to such premises or property.

(5) Where any property is seized or attached by an officer authorized by the Board, he shall immediately make a report of such seizure or attachment to the Board.

(6) Where any property is seized or attached under sub-section (4), the Board may order confiscation of such property.

(7) No order for confiscating a property shall be made under sub-section (6) unless the owner of such property or the person from whom it is seized or attached is given-

- (a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property;
- (b) an opportunity of making a representation in writing within a maximum period of seven days against the grounds of confiscation; and
- (c) a reasonable opportunity of being heard in the matter.

(8) The order of any confiscation and removal of encroachment under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

(9) Any person aggrieved by an order made by the Board under this section may within one month from the date of the communication to him of such order, appeal against it to the State Government.

(10) On such appeal the State Government, after giving an opportunity to the appellant and the respondent to be heard, direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.

(11) Whenever any property is seized or attached pending confiscation under this section, the Board or the State Government shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any

other court, tribunal or other authority shall not have jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(12) Where any person is prosecuted of an offence under sub-section (1) or sub-section (2), the burden of proving that he has not committed the offence shall be on him.

(13) Whoever, being an employee of the Board, or being on deputation with the Board from any department of the Government, specifically entrusted with the duty to remove or to stop or to prevent the encroachment or obstruction, himself encroaches or helps others to encroach, or willfully or knowingly, neglects or deliberately omits to remove or stop or prevent such encroachment or obstruction shall, on conviction, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years or with fine which may extend to thirty thousand rupees or with both:

Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Board.

(14) No investigation of an offence under this section shall be made by an officer below the rank of the Inspector of Police. However, such investigation shall be completed and report shall be filed in the court within the period of three months from the date of filing First Information Report on behalf of the Board by the Housing Commissioner or the official authorized by him.

(15) It shall be lawful for the Housing Commissioner or the official authorized by him to lodge proceedings against the person who is likely to make encroachment upon any premises or property belonging to the Board before the Magistrate concerned, for preventing him from making any such encroachment and it shall be competent for the Magistrate, on being satisfied about the reasonableness of the apprehension of the Housing Commissioner, to require such person to execute a bond, with or without sureties, for his good behavior for such period, not exceeding one year, as the Magistrate thinks fit. The procedure contained in Chapter VIII of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) shall apply *mutatis mutandis* to the proceedings before the Magistrate under this sub-section as if such proceedings were the proceedings under section 107 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

51-C. Power to call for records.- (1) The State Government or any officer authorized in this behalf by the State Government, may, for the purpose of being satisfied as to the correctness, legality or propriety of any order or resolution passed or purporting to have been passed, under this Act by the Board or any committee or officer of it, call for the relevant record, and may, in doing so, direct that pending the examination of such record, such order or resolution shall be kept in abeyance and no action in furtherance thereof shall be taken until such examination by the State Government or by the officer authorized in this behalf by the State Government and the passing of order under sub-section (2):

Provided that no record relating to an order or a resolution shall be called for under this sub-section after the expiry of three years from the date of such order or resolution.

(2) After examining the record, the State Government or the officer authorized as aforesaid may rescind, reverse or modify such order or resolution and the order of

the State Government or the officer authorized as aforesaid shall be final and binding on the Board and on its officers and committees."

3. Amendment of section 60, Rajasthan Act No. 4 of 1970.- For the existing section 60 of the principal Act, the following shall be substituted, namely:-

"60. Control by State Government.- (1) The Board shall exercise its powers and perform its duties under this Act in accordance with the policy framed and the guidelines laid down, from time to time, by the State Government for carrying out the purposes of this Act.

(2) The Board shall perform any other functions that the State Government may designate in furtherance of the objectives of this Act. The Board shall comply with such directions, which may be issued from time to time, by the State Government for efficient administration of this Act.

(3) If, in connection with the exercise of the powers and the performance of the duties of the Board under this Act, any dispute arises between the Board and any other department of the State Government, the matter shall be decided by the State Government and its decision shall be final."

विनोद कुमार भारवानी,
Principal Secretary to the Government.

विधि (विधायी प्रारूपण) विभाग

(ग्रुप-2)

अधिसूचना

जयपुर, अप्रैल 14, 2020

संख्या प.2(14)विधि/2/2020.- राजस्थान राजभाषा अधिनियम, 1956 (1956 का अधिनियम सं. 47) की धारा 4 के परन्तुक के अनुसरण में "दी राजस्थान हाउसिंग बोर्ड (अमेण्डमेन्ट) एक्ट, 2020 (एक्ट नं. 12 ऑफ 2020)" का हिन्दी अनुवाद सर्वसाधारण की सूचनार्थ एतद्वारा प्रकाशित किया जाता है:-

(प्राधिकृत हिन्दी अनुवाद)

राजस्थान आवासन बोर्ड (संशोधन) अधिनियम, 2020

(2020 का अधिनियम संख्यांक 12)

(राज्यपाल महोदय की अनुमति दिनांक 14 अप्रैल, 2020 को प्राप्त हुई)

राजस्थान आवासन बोर्ड अधिनियम, 1970 को और संशोधित करने के लिए अधिनियम।

भारत गणराज्य के इकहत्तरवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है:-

1. संक्षिप्त नाम और प्रारम्भ.- (1) इस अधिनियम का नाम राजस्थान आवासन बोर्ड (संशोधन) अधिनियम, 2020 है।

(2) यह तुरन्त प्रवृत्त होगा।

2. 1970 के राजस्थान अधिनियम सं. 4 में नयी धारा 51-क, 51-ख और 51-ग का अन्तःस्थापन.- राजस्थान आवासन बोर्ड अधिनियम, 1970 (1970 का अधिनियम सं. 4), जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है, की विद्यमान धारा 51 के पश्चात् और विद्यमान धारा 52 से पूर्व निम्नलिखित नयी धाराएं अंतःस्थापित की जायेंगी, अर्थात्:-

"51-क. बोर्ड को देय राशि की भू-राजस्व की बकाया के रूप में वसूली.- जहां किसी परिसर या संपत्ति के संबंध में बोर्ड को संदेय कोई राशि, चाहे किसी अभिव्यक्त या विवक्षित करार के अधीन या अन्यथा, जैसा भी हो, बोर्ड के कार्यालय में या बोर्ड द्वारा प्राधिकृत किसी व्यक्ति को नियत तारीख को या उससे पूर्व संदत्त नहीं की जाती है तो ऐसी राशि व्यतिक्रम करने वाले व्यक्ति से बोर्ड या उसके द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा राजस्थान भू-राजस्व अधिनियम, 1956 (1956 का अधिनियम सं. 15) और तदधीन बनाये गये नियमों में यथा उपबंधित रीति से भू-राजस्व की बकाया के रूप में वसूल की जायेगी।

51-ख. बोर्ड के परिसर या संपत्ति पर अधिक्रमण या बाधा.- (1) जो कोई भी बोर्ड के या उसमें निहित किसी परिसर या संपत्ति पर, कोई अधिक्रमण करता है, दोषसिद्धि पर, ऐसे सादा कारावास से, जो तीन मास से कम नहीं होगा किन्तु जो तीन वर्ष तक का हो सकेगा और ऐसे जुर्माने से, जो तीस हजार रुपये से कम नहीं होगा किन्तु जो पचास हजार रुपये तक का हो सकेगा, दण्डित किया जायेगा:

परन्तु न्यायालय निर्णय में उल्लिखित किये जाने वाले किन्हीं भी पर्याप्त या विशेष कारणों से, तीन मास से कम की अवधि के कारावास का दण्डादेश अधिरोपित कर सकेगा।

(2) जो कोई भी बोर्ड की पूर्व अनुज्ञा के बिना किसी मार्ग में अस्थायी बाधा भी उत्पन्न करता है तो वह, दोषसिद्धि पर, ऐसे सादा कारावास से, जो एक मास तक का हो सकेगा या ऐसे जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जायेगा।

(3) बोर्ड या उसके द्वारा इस निमित्त प्राधिकृत किसी भी अधिकारी को ऐसी किसी बाधा या अधिक्रमण को हटाने की शक्ति होगी और ऐसे हटाये जाने का व्यय उस व्यक्ति द्वारा संदत्त किया जायेगा जिसने उक्त बाधा या अधिक्रमण कारित किया है।

(4) पूर्वगामी उपबंधों में अन्तर्विष्ट किसी बात के होने पर भी, राज्य सरकार की पूर्व अनुज्ञा प्राप्त करने के पश्चात्, बोर्ड या उसके द्वारा इस निमित्त प्राधिकृत अधिकारी को, इस धारा में यथा उपबंधित की गयी कार्रवाई के अतिरिक्त, इस धारा में निर्दिष्ट परिसर या संपत्ति पर पाये गये यानों या, यथास्थिति, ऐसे परिसर या संपत्ति से संलग्न, या ऐसे परिसर या संपत्ति से संलग्न किसी चीज से स्थायी रूप से जकड़ी हुई किसी संपत्ति का अभिग्रहण करने या उसे कुर्क करने की शक्ति भी होगी।

(5) जहां कोई संपत्ति बोर्ड द्वारा प्राधिकृत किसी अधिकारी द्वारा अभिगृहीत या कुर्क की जाती है, वहां वह ऐसे अभिग्रहण या कुर्की की रिपोर्ट तत्काल बोर्ड को करेगा।

(6) जहां उप-धारा (4) के अधीन कोई संपत्ति अभिगृहीत या कुर्क की जाती है, वहां बोर्ड ऐसी सम्पत्ति के अधिहरण का आदेश दे सकेगा।

(7) उप-धारा (6) के अधीन किसी संपत्ति के अधिहरण का आदेश तब तक नहीं दिया जायेगा जब तक कि ऐसी संपत्ति के स्वामी को या उस व्यक्ति को, जिससे कि वह अभिगृहीत या कुर्क की गयी है-

(क) उन आधारों की उसे सूचना देने वाला एक लिखित नोटिस, जिन पर संपत्ति का अधिहरण करना प्रस्तावित है;

(ख) अधिहरण के आधारों के विरुद्ध अधिकतम सात दिवस की कालावधि के भीतर एक लिखित अभ्यावेदन करने का अवसर; और

(ग) मामले में सुनवाई का युक्तियुक्त अवसर, न दे दिया जाये।

(8) इस धारा के अधीन किसी अधिहरण का और किसी अधिक्रमण को हटाने का आदेश ऐसे किसी भी दण्ड को दिये जाने से नहीं रोकेगा जिसका प्रभावित व्यक्ति इस अधिनियम के अधीन दायी है।

(9) बोर्ड द्वारा इस धारा के अधीन किये गये किसी आदेश से व्यथित कोई व्यक्ति, ऐसे आदेश की उसे संसूचना की तारीख से एक मास के भीतर, उसके विरुद्ध राज्य सरकार को अपील कर सकेगा।

(10) ऐसी अपील पर राज्य सरकार, अपीलार्थी और प्रत्यर्थी को सुनवाई का अवसर देने के पश्चात्, अपील के निपटारे के लंबित रहते आदेश के रोके जाने का निदेश दे सकेगा या आदेश को उपान्तरित, परिवर्तित या बातिल कर सकेगा तथा ऐसा कोई और आदेश दे सकेगा जो उचित हो।

(11) जब कभी कोई संपत्ति इस धारा के अधीन अधिहरण के लंबित रहते अभिगृहीत या कुर्क की जाये तब, ऐसी संपत्ति के कब्जे, परिदान, व्ययन, निर्मुक्ति या वितरण के संबंध में आदेश करने की अधिकारिता बोर्ड या राज्य सरकार को होगी और तत्समय प्रवृत्त किसी अन्य विधि में अन्तर्विष्ट किसी प्रतिकूल बात के होने पर भी, किसी अन्य न्यायालय, अधिकरण या अन्य प्राधिकारी को नहीं होगी।

(12) जहां कोई व्यक्ति उप-धारा (1) या उप-धारा (2) के अधीन के किसी अपराध के लिए अभियोजित किया जाता है, वहां यह साबित करने का भार, कि वह अपराध उसने नहीं किया है, उसी पर होगा।

(13) अधिक्रमण या बाधा को हटाने या बन्द करने या रोकने के कर्तव्य से विनिर्दिष्ट रूप से न्यस्त जो कोई भी बोर्ड का कर्मचारी होते हुए या सरकार के किसी विभाग से बोर्ड में प्रतिनियुक्ति पर रहते हुए स्वयं अधिक्रमण करता है या अधिक्रमण में दूसरों की सहायता करता है, या ऐसे अधिक्रमण या बाधा को हटाने या बन्द करने या रोकने में जानबूझकर या जानते हुए उपेक्षा करता है या जानबूझकर लोप करता है, दोषसिद्धि पर, ऐसी अवधि के कारावास से, जो तीन मास से कम नहीं होगी किन्तु जो तीन वर्ष तक की हो सकेगी या ऐसे जुर्माने से, जो तीस हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जायेगा:

परन्तु कोई भी न्यायालय, बोर्ड की पूर्व मंजूरी के सिवाय, ऐसे कर्मचारी के विरुद्ध इस उप-धारा के अधीन दण्डनीय अपराध का संज्ञान नहीं लेगा।

(14) इस धारा के अधीन के किसी अपराध का कोई अन्वेषण पुलिस निरीक्षक की रैंक से नीचे के किसी अधिकारी द्वारा नहीं किया जायेगा। तथापि, ऐसा अन्वेषण, आवास आयुक्त या उसके द्वारा प्राधिकृत पदधारी द्वारा बोर्ड की ओर से प्रथम सूचना रिपोर्ट फाइल करने की तारीख से तीन मास की कालावधि के भीतर पूरा किया जायेगा और रिपोर्ट न्यायालय में फाइल की जायेगी।

(15) आवास आयुक्त या उसके द्वारा प्राधिकृत पदधारी के लिए यह विधिपूर्ण होगा कि वह उस व्यक्ति के विरुद्ध जिसके द्वारा बोर्ड के परिसर या संपत्ति पर अधिक्रमण किया जाना संभावित हो, ऐसा कोई अधिक्रमण करने से उसे रोकने के लिए संबंधित मजिस्ट्रेट के समक्ष कार्यवाही दाखिल करे और आवास आयुक्त की आशंका की युक्तियुक्तता के बारे में समाधान कर लेने पर मजिस्ट्रेट ऐसे व्यक्ति से उसके अच्छे व्यवहार के लिए एक वर्ष से अनधिक की ऐसी कालावधि के लिए, जो मजिस्ट्रेट ठीक समझे, प्रतिभूति सहित या रहित बंधपत्र निष्पादित किये जाने की अपेक्षा करने में सक्षम होगा। दण्ड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम सं. 2) के अध्याय 8 में अंतर्विष्ट प्रक्रिया इस उप-धारा के अधीन मजिस्ट्रेट के समक्ष कार्यवाहियों पर, यथावश्यक परिवर्तनों सहित, ऐसे लागू होगी मानो ऐसी कार्यवाहियां दण्ड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम सं. 2) की धारा 107 के अधीन कार्यवाहियां हों।

51-ग. अभिलेख मंगवाने की शक्ति.- (1) राज्य सरकार या राज्य सरकार द्वारा इस निमित्त प्राधिकृत कोई अधिकारी, बोर्ड या उसकी किसी समिति या अधिकारी द्वारा इस अधिनियम के अधीन पारित या पारित किये गये तात्पर्यित किसी आदेश या संकल्प की शुद्धता, वैधता या औचित्य के बारे में समाधान करने के प्रयोजन के लिए सुसंगत अभिलेख मंगा सकेगा और ऐसा करते समय निदेश दे सकेगा कि ऐसे अभिलेख की परीक्षा होने तक ऐसे आदेश या संकल्प को आस्थगित रखा जायेगा और राज्य सरकार द्वारा या राज्य सरकार द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा ऐसी परीक्षा करने और उप-धारा (2) के अधीन आदेश पारित होने तक उसके बारे में आगे कोई कार्रवाई नहीं की जायेगी:

परन्तु किसी आदेश या किसी संकल्प से संबंधित कोई अभिलेख इस उप-धारा के अधीन ऐसे आदेश या संकल्प की तारीख से तीन वर्ष की समाप्ति के पश्चात् नहीं मंगाया जायेगा।

(2) अभिलेख की परीक्षा करने के पश्चात् राज्य सरकार या यथापूर्वोक्त प्राधिकृत अधिकारी, ऐसे आदेश या संकल्प को विखंडित कर सकेगा, उलट सकेगा या उपान्तरित कर सकेगा और राज्य सरकार या यथापूर्वोक्त प्राधिकृत अधिकारी का आदेश अंतिम होगा तथा बोर्ड और इसके अधिकारियों और समितियों पर बाध्यकारी होगा।"

3. 1970 के राजस्थान अधिनियम सं. 4 की धारा 60 का संशोधन.- मूल अधिनियम की विद्यमान धारा 60 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"60. राज्य सरकार द्वारा नियंत्रण.- (1) बोर्ड इस अधिनियम के अधीन अपनी शक्तियों का प्रयोग तथा कर्तव्यों का पालन, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए राज्य सरकार द्वारा समय-समय पर बनायी गयी नीति और अधिकथित मार्गदर्शक सिद्धांतों के अनुसार करेगा।

(2) बोर्ड ऐसे अन्य कृत्यों का पालन करेगा जो राज्य सरकार द्वारा इस अधिनियम के उद्देश्यों को अग्रसर करने में अभिहित किये जायें। बोर्ड ऐसे निदेशों का अनुपालन करेगा जो इस अधिनियम के दक्ष प्रशासन के लिए राज्य सरकार द्वारा समय-समय पर जारी किये जायें।

(3) यदि इस अधिनियम के अधीन बोर्ड की शक्तियों के प्रयोग और कर्तव्यों के पालन के संबंध में बोर्ड और राज्य सरकार के किसी अन्य विभाग के बीच कोई विवाद उत्पन्न होता है तो मामले का विनिश्चय राज्य सरकार द्वारा किया जायेगा और उसका विनिश्चय अंतिम होगा।"

विनोद कुमार भारवानी,
प्रमुख शासन सचिव।

राज्य केन्द्रीय मुद्रणालय, जयपुर।