



The Tripura Housing Board Act, 1978

Act 2 of 1978

Keyword(s):

Building Materials, By-Laws, Housing Commissioner, Housing Scheme, Land, Municipality, Premises

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Tripura Act No. 2 of 1979

*THE TRIPURA
HOUSING BOARD
ACT, 1978*

THE TRIPURA HOUSING BOARD ACT, 1979

**AN
ACT**

to provide for constitution of a Housing Board for Tripura and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the constitution of a Housing Board for Tripura and for matters connected therewith or incidental thereto ;

It is hereby enacted in the Twenty-ninth Year of the Republic of India, by the Legislative Assembly of Tripura, as follows :-

**CHAPTER I
PRELIMINARY**

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Tripura Housing Board Act, 1978.

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

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

Definition.

2. In this Act, unless there is anything repugnant in the subject or context —

(1) "Board" means the Tripura Housing Board constituted under section 3 ;

(2) "Board premises" means any premises belonging to or vested in the Board or taken on lease by the Board or entrusted to the Board for management and use for the purposes of this Act ;

(3) "Building materials" means such commodities or articles as are specified by the State Government by notification in the Official Gazette to be building materials for the purposes of this Act ;

- (4) "by-laws" means by-laws made by the Board under section 47 ;
- (5) "Chairman" means the Chairman of the Board ;
- (6) "Housing Commissioner" means the Housing Commissioner appointed under section 12 ;
- (7) "housing scheme" means a housing scheme made under this Act ;
- (8) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;
- (9) "Land Acquisition Act" means the Land Acquisition Act, 1894 ;
- (10) "member" means the Chairman, the Vice Chairman or any other member of the Board ;
- (11) " municipality" means a municipality (including a notified area) constituted under the Bengal Municipal Act, 1932 as extended to Tripura ; **Ben. Act XV of 1932.**
- (12) "premises" means any land or building or part of a building and includes—
- (i) gardens, grounds and out-houses, if any appertaining to such building or part of a building, and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;
- (13) "prescribed" means prescribed by rules made under this Act ;
- (14) "regulations" means regulations made by the Board under section 46 ;
- (15) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

CHAPTER I
Establishment of the Board

Constitution of the Board. 3. (1) The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Board by the name of the Tripura Housing Board.

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

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

Application of Tripura Act V of 1975. 4. For the removal of doubts, it is hereby declared that the Tripura Buildings (Lease and Rent Control) Act, 1975 —

- (a) shall not apply to any land or building belonging to or vested in the Board ;
- (b) shall not apply as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building ;
- (c) but shall apply to any land or building let out in favour of the Board.

Members of the Board and their resignation or removal. 5. (1) The Board shall consist of a Chairman who shall be the Minister in-charge of Public Works Department of the State Government and the Vice Chairman to be appointed by the State Government and with such other officers and non-official members not less than seven and not exceeding ten as may be appointed by the State Government out of the non-official members at least one shall be belonging to the Scheduled Castes and one belonging to the Scheduled Tribes.

Explanation — In this sub-section, the words "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as are assigned to them under clauses (24) and (25) of article 366 of the Constitution of India.

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

(3) a member of the Board may at any time resign his office by writing under his hand addressed to the State Government :

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

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

- (a) is, or has become, subject to any of the disqualifications mentioned in section 6 ; or
- (b) in the opinion of the State Government, has been guilty of any misconduct or neglect or has so abused his position as to render his continuance as member detrimental to the interests of the Board or of the general public or is otherwise unfit to continue as member :

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

6. A person shall be disqualified for being appointed or for continuing as the Vice-Chairman or a member of the Board, if he —

Disqualification
for appointment
as a member of
the Board.

- (a) is of unsound mind,
- (b) is an uncertificated bankrupt or an undischarged insolvent,
- (c) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment, as the case may be, with, by or on behalf of, the Board, or
- (d) is a director, Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in contract or employment, as the case may be, with by or on behalf of, the Board, or
- (e) has been or is convicted of any offence involving moral turpitude :

Provided that a person shall not be disqualified under clause (c) or clause (d) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment, as the case may be, with, by or on behalf of, the Board, by reason only of his being a shareholders of such company if such person discloses to the State Government the nature and extent of the shares held by him.

Term of office and conditions of service of Vice-Chairman and other members.

7. (1) The Vice-Chairman and every other member not being an ex-officio member shall hold office for a period of three years from the date of his appointment as Vice-Chairman or, as the case may be, other member :

Provided that the State Government may extend the said period by a further period not exceeding one year :

Provided further that after the expiry of the period of his appointment a person shall, unless disqualified, be eligible for re-appointment as Vice-Chairman or other member.

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

(3) The Vice-Chairman may hold office in an honorary capacity or on payment of remuneration. Such remuneration and all other terms and conditions of service shall be such as may be prescribed.

(4) The allowances to the members and the remuneration, if any, to the Vice-Chairman shall be paid from the fund of the Board.

Cessation of membership.

8. If a member —

(a) tenders his resignation in writing to the State Government, or

(b) is absent without the permission of the Board from all the meetings of the Board for a period of three successive months,

he shall cease to be a member.

Filling of vacancies.

9. Any vacancy of a member shall be filled as early as practicable :

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

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

Proceedings presumed to be good and valid.

11. If any member including the Vice-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.

Temporary absence of members.

12. (1) The Board shall have a Housing Commissioner, who shall be the Chief Executive Officer and one or more Assistant Housing Commissioners, and such other Officers and employees as the Board may Consider necessary for the efficient performance of its functions.

Officers and other staff.

(2) The appointment of the Housing Commissioner shall be made by the State Government and the appointment of other Officers and employees of the Board shall be made by the Board :

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

13. (1) The Housing Commissioner and other Officers shall perform such duties as may be assigned to them by the Board.

(2) The Board may, from time to time, by order delegate, under such restriction, if any, as it may think fit to impose, any of its powers conferred on it by this Act, to the Housing Commissioner and to other officers of Board specified in the order.

Powers and duties of the Housing Commissioner and other Officers.

14. (1) The Board shall take over and employ such staff of the State Government in the Public Works and other Departments as the State Government may make available and every person so taken over and employed shall be subject to the provisions of this Act and the regulations made thereunder :

Employment of staff of the State Government.

Provided that during the period of such employment all matters relating to the pay, allowances, leave, retirement, pensions, provident fund and all other terms and conditions of service of the members of the said staff shall be regulated by the Tripura Service Rules or such other rules on the subject as may from time to time be made by the State Government.

(2) All permanent Government servants taken over and employed by the Board under sub-section (1) shall have a lien on their posts in the service of the State Government and the period of their service under the Board shall, on their reversion to the service of the State Government, be counted for their promotion, increments, pension and other matters relating to their service.

Meetings of Board.

15. The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice and adjournment of its meetings as it thinks fit, subject to the following conditions, namely —

- (a) an ordinary meeting shall be held at least once every month,
- (b) the Chairman may, whenever he thinks fit, call a special meeting.
- (c) the quorum for every meeting shall be five :

Provided that when a meeting has been adjourned to another date for want of quorum, no quorum shall be necessary in the case of the adjourned meeting,

- (d) every meeting shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and in the absence of both Chairman and Vice-Chairman by any member chosen by the members present,
- (e) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise second or casting vote,
- (f) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

16. (1) Every contract made by the Board shall be entered into in such manner and in such form as may be prescribed and be signed by the Chairman on behalf of the Board : **Execution of contract.**

Provided that —

- (a) no contract involving an expenditure of rupees twentyfive lakhs or more shall be made with but the previous sanction of the State Government.
- (b) any contract involving an expenditure up to rupees twenty thousand may, in case of urgency, be made by the Chairman without the previous sanction of the Board but shall be referred to the Board at the earliest opportunity.

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

17. Without prejudice to the provisions of clause (b) of the proviso the sub-section (1) of section 16, the State Government may, by a notification published in the Official Gazette, direct that the Chairman may exercise all or any of the powers exercisable by the Board under this Act as may be specified in the notification : **Exercise of the powers of the Board by the Chairman.**

Provided that when power under this section has been exercised, the Chairman shall make a report to the Board at its next meeting indicating the circumstances under which such power has been exercised.

18. Subject to any rule which the State Government may make in this behalf, the Board may by order direct that the power to sign a contract shall be exercisable also by the Housing Commissioner or any other Officer specified by it in the order. **Delegation of Board's power to sign contracts.**

CHAPTER III **Housing Schemes**

19. (1) Subject to the provisions of this Act the Board may, from time to time, incur expenditure and undertake works for the framing and execution of such housing schemes as it may consider necessary and such housing schemes may include housing schemes in relation to lands and buildings vested in or in the possession of the State Government. **Powers and duties of Board to undertake housing schemes.**

(2) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme and the Board shall thereupon undertake the framing and execution of such scheme.

(3) The Board may, on such terms and conditions as may be agreed upon 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, for building houses mainly for the residence of the employees of such local authority, co-operative Society or employer, as the case may be (or for the residence of the members of such co-operative society).

Matters to be provided for by housing scheme.

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

- (a) the acquisition by purchase, exchange or otherwise of any property necessary for the scheme ;
- (b) construction and reconstruction of buildings ;
- (c) the sale, letting out or exchange of any property included in the scheme ;
- (d) roads, drainage, water-supply, lighting, (Schools, hospitals, dispensaries, market places,) parks, playgrounds and open spaces within a housing scheme ;
- (e) the reclamation or reservation of lands for markets, gardens, schools, dispensaries, hospitals and other amenities in a housing scheme ;
- (f) the letting out, management and use, of the Board premises ;
- (g) accommodation for any class of inhabitants ;
- (h) the advancing of money for the purpose of scheme ;

- (i) the collection of such information and statistics as may be necessary for successful implementation of the scheme ;
- (j) development of any urban or rural area for successful implementation of housing schemes and for purposes ancillary or incidental thereto ;
- (k) any other matter for which, in the opinion of the Board or the State Government, it is expedient to make provision with a view to provide housing accommodation and to improving or developing of any area included in a housing scheme.

21. (1) The Chairman shall, at a special meeting to be held within the fifteenth day of the month of February in each year, lay before the Board, a budget to the Board for the next year.

Submission of budget to Board.

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

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

22. The Board shall consider the budget laid before it and sanction it with or without modifications.

Board's sanction to budget.

23. (1) Every budget sanctioned by the Board shall be submitted to the State Government for approval. Within such time as may be prescribed, the State Government may approve the budgets as sanctioned by the Board or return it to the Board for making such modifications therein as the State Government may deem fit.

Sbmission of budget to State Govt. for approval.

(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 the same.

Supplementary budget. 24. 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 21, 22 and 23 shall apply to such supplementary budget.

Publication and execution of housing scheme. 25. 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 such schemes.

Variation of housing schemes. 26. 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 except with the approval of the State Government if it involves an expenditure in excess of 10 percent of the amount as included in budget approved by the State Government for the execution of any housing scheme.

Transfer of open space to local authorities. 27. (1) When any open space for the purpose of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may, at its option by resolution, transfer such open space to the local authority concerned on completion of the scheme and thereupon such open space shall vest in and be maintained at the expense of the local authority :

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

(2) If any difference of opinion arises between the Board and the local authority concerned in respect of any matter referred to in sub-section (1) the matter shall be referred to the State Government whose decision thereon shall be final.

Other duties of the Board. 28. (1) The Board shall take necessary measures to maintain, allot, lease, sell or otherwise use the Board premises in such manner as it may decide and

shall collect rent, price, compensations and damages in respect thereof.

(2) the Board may —

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

(3) subject to such rules as may be made in this behalf the Board may, from time to time, appoint one or more Committees or invest any local or other authority for the purpose of discharging such duties or performing such functions as it may delegate to them and any such Committee or local or other authority may discharge such duties or perform such function accordingly.

29. The State Government may, by general or special order published in the Official Gazette, exempt any housing scheme undertaken by the Board

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

from all or any of the provisions of this Act 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

Acquisition and disposal of land

Power to acquire.

30. (1) Where any land is needed for the purpose of a housing scheme or for performing any other duties or functions of the Board, the Board may enter into an agreement with any person for the acquisition by purchase, lease or exchange, of his rights and interests in such land either wholly or in part, on payment of an amount proportionate to the loss or deprivation caused to the enjoyment of the land.

(2) The Board may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing scheme or for performing any other duties or functions of the Board and such acquisition of any land or any interest therein shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act.

CHAPTER V

Finance, accounts and audit.

Transfer of assets to the Board.

31. (1) Such assets and liabilities of the State Government which the State Government may decide to transfer to the Board on such terms and conditions as may be prescribed shall, with effect from the date of notification made by the State Government in this behalf, stand vested and transferred to the Board.

(2) All debts and expenditure incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Government in respect of the assets and liabilities transferred under subsection (1) before and up to the date of transfer shall be deemed to have been incurred, entered into or engaged to be done with or for the Board and all suits and other legal proceedings instituted or which may be instituted by or against the State Government in respect of such assets shall be continued or instituted by or against the Board, as the case may be.

32. (1) The board shall have a fund to be called the Housing Board Fund. **Board's fund.**

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

(3) The State Government shall every year make a grant to the Board of the Amount required to meet the administrative expenses of the Board for a period of five years from the date of the constitution of the Board.

(4) All moneys received by or on behalf of the Board, all proceeds of sale of land or any other property, all rents, betterment charges and all interests, profits and other moneys securing to the Board shall be deposited in 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 branch of the State Bank of India or in any Nationalised Bank or the Gramin Bank or invested in such securities as may be approved by the State Government.

(6) The bank account or any cash or security of the Board shall be operated or handled by such officers as may be authorised by the Board.

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

34. (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 — **Expenditure in case of urgency.**

(a) recurring expenditure not exceeding fifty thousand rupees, and

(b) non-recurring expenditure not exceeding two lakhs 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.

Subventions and loan to the Board. 35. (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.

Power of Board to borrow. 36. (1) The Board may from time to time, with the previous sanction of 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 issue of debentures and to make arrangements with bankers.

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

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

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

Debts incurred from the State Government, Banks, etc. to have priority. 37. Notwithstanding anything contained in any other law for the time being in force, every debt arising out of any loan obtained by the Board from the State Government and banks and other financial institutions for carrying out the purposes of this Act. —

(a) shall have priority over all other debts, whether secured or unsecured, incurred by the Board, and

(b) shall be a preferential debt within the meaning of section

530 of the Companies Act, 1956, and such debts shall rank equally amongst themselves and be paid in full out of the assets of the Board unless such assets are insufficient to meet them in which case they shall abate in equal proportions.

38. (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.

**Accounts
and Audit.**

(2) The Board shall cause its accounts to be audited annually by an auditor to be appointed by the State Government. The auditor so appointed shall have the right to demand the production of books, accounts, vouchers, documents and other papers, and to inspect any of the offices of the Board.

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

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

39. (1) Notwithstanding anything contained in section 35, 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.

**Concurrent
and special
audits of
accounts.**

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

CHAPTER VI Miscellaneous

Report to State Government. 40. (1) The Board shall, before such date and in such form and at such interval as may be prescribed, submit to the State Government a report on such matters as may be prescribed and the State Government shall cause such report to be published in the Official Gazette.

(2) The report shall be laid on the Table of the Tripura Legislative Assembly as soon as may be after it is received by the State Government.

Other Statements and returns. 41. 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.

Power of entry. 42. The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistance of workmen, enter into or upon any land, in order —

- (a) to make any inspection, survey, measurement, valuation or inquiry ;
- (b) to take levels ;
- (c) to dig or bore into the sub-soil ;
- (d) to set boundaries and intended lines of work ;
- (e) to do any other things ;

when it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned 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 twentyfour hour previous written notice of the intention to make such entry ;
- (iii) sufficient notice shall in every instance be given to enable the female inmates of any apartment to remove themselves to some part of the premises where their privacy will not be disturbed ;
- (iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

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

**Notice suit
against
Board.**

44. 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 :

**Valuation
of assets
and liabi-
lities of
the Board.**

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

45. (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

**Power to
make rules.**

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

- (a) the allowances of members and remuneration and conditions of service of the Vice Chairman under section 7 ;

- (b) the manner and form in which contracts shall be entered into under sub-section (1) of section 16 ; Board under section 21 and the other particulars to be contained therein ;
- (c) the time within which the State Government may approve or return the budget to the board under sub-section (1) of section 23 ;
- (d) the manner of publication of housing schemes included in the budget under section 25 ;
- (e) the terms and conditions on which assets of the State Government may be transferred to the Board under section 31 ;
- (f) the conditions subject to which the Board may borrow any sum under section 36 ;
- (g) the manner of preparation, maintenance and publication of accounts under section 38 ;
- (h) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 40 ;
- (i) the time at which and the form and manner in which statistics, returns, particulars, statements, documents and papers shall be submitted under section 41 ;
- (j) the manner in which the Board shall be superseded and reconstituted under section 55 ;
- (k) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative assembly of Tripura, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions

aforesaid, the House agrees in making any modification in the rule or the House agrees that rule should not be made, the rule 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 any thing previously done under that rule.

46. (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.

**Power to
make
regulations.**

(2) Such regulations may provide for —

- (a) the management and use of buildings constructed under any housing scheme ;
- (b) the principles to be followed in allotment of tenements and premises ;
- (c) regulating its procedure and the disposal of its business ;
- (d) the conditions of service of the employees of the Board other than those taken over and employed under sub-section (1) of section 14.

(3) 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 (2) 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).

(4) Every regulation made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the regulation or the

House agrees that the regulation should not be made, the regulation 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 or anything previously done under that regulation.

Power to make bye-law.

47. (1) The Board may, with the previous sanction of the State Government, make by-laws, not inconsistent with this Act and rules which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.

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

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

Penalty for contravention of bye-law.

48. Whoever contravenes a bye-law made under section 47 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.

Penalty for obstructing etc.

49. If any person —

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

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works 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.

Authority for prosecution.

50. Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable, under this Act except on the complaint of, or upon information received from, the Board or some person authorised by the Board by general or special order in this behalf.

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

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

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

Protection of action taken under this Act.

53. 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. it shall be the duty of the Board to comply with such directions.

Powers of State Government to give direction to Board.

54. (1) The State Government with a view to satisfying itself that the powers and duties of the Board are being exercised and performed properly, may, at any time, appoint any person or persons to make inquiries into all or any of the activities of the Board in such manner as may be prescribed and to report to the State Government the result of such inquiries.

Power to order inquiries.

(2) The Board shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before the person or persons any document, account or information in the possession of the Board, which such person or persons demand for the purposes of the inquiries.

55. (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 period for the performance of the duty.

Default in performance of 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, to supersede and reconstitute the Board in the manner as may be prescribed.

(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.

56. (1) The State Government may, by notification in the Official

Dissolution of the Board.

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 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 36.

THE TRIPURA ACT NO. 7 OF 2007

**THE TRIPURA HOUSING BOARD
(AMENDMENT)
ACT, 2007**

Published in the
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Agartala, Friday, April 27, 2007 A. D. Vaisakha 7, 1929 S. E.

**GOVERNMENT OF TRIPURA
LAW DEPARTMENT**

No.F.8(4)-Law/Leg/2007.

Dated, Agartala, the 25th April, 2007.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 19th April, 2007 and is hereby published for general information.

S. C. Das
Law Secretary,
Government of Tripura.

The Tripura Housing Board (Amendment) Act, 2007

AN

ACT

To amend the Tripura Housing Board Act, 1978

Be it enacted by the Tripura Legislative Assembly in the fifty eighth year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Tripura Housing Board (Amendment) Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of Section -1

2. In the Tripura Housing Board Act , 1978 (herein after referred to as the Principal Act) in Sub- Section (1), of Section 1 for the words "The Tripura Housing Board" in the short title, the words "The Tripura Housing and Construction Board" shall be substituted.
3. In the Principal Act after sub-section (3) of Section -1 the following sub-section shall be inserted, namely :

"(4) The assets and liabilities of the Housing Board shall stand vested and transferred to the 'Tripura Housing and Construction Board' with effect from the date of notification made by the State Government for the purpose of this Act".

Amendment of Section -2

4. In the Principal Act,
 - (1) For Sub Section (1) of Section - 2 the following shall be substituted, namely :

"(1) 'Board' means the Tripura Housing & Construction Board constituted under section 3 under the administrative control of Public works Department (PWD), Government of Tripura" ;
 - (2) Sub-Section (3) of Section 2 shall be deleted.
 - (3) For Sub-Section (6) of Section 2 the following shall be substituted, namely;

"(6) Chief Executive Officer (CEO) means the CEO appointed under section 12."

(4) For sub-section (7) of section 2, the following shall be substituted namely-
“(7) ‘housing scheme’ wherever it occurs in the Act, shall mean and be read as ‘Housing and Construction works’ and ‘Construction work’ means various types of construction works including building, road and bridges undertaken on behalf of Government Departments & any other organizations”.

(5) For Sub-Section (11) of Section 2 the following shall be substituted , namely-

“(11) ‘municipality’ means Agartala Municipal Council & any Nagar Panchayets (including a notified area) constituted under the Tripura Municipal Act, 1994 as extended to whole of Tripura”.

**Amendment of
Section -3**

5. In the principal Act for Sub-Section (1) of section 3, the following shall be substituted, namely ;

“(1) The state Government shall, by notification in the official Gazette, constitute for the purpose of this Act, a Board by the name of the Tripura Housing and Construction Board (THCB)”.

**Amendment of
Section -5**

6. In the Principal Act, for Sub-Section (1) of Section 5 and the explanation thereof, the following shall be substituted, namely :

“(1) The Board shall consist of a Chairman who shall be the Minister in-charge of Public Works Department (PWD) of the State Government and the Vice Chairman to be appointed by the State Government and with such other officers and non-official members not less than seven and not exceeding ten, as may be appointed by the State Government. Out of the non-official members at least one shall be belonging to the Scheduled Castes and one belonging to the Scheduled Tribes. The Secretary, PWD, the Chief Engineer, PWD(R&B), the District Magistrate & Collector, West Tripura and the CEO, THCB will be the Ex-officio members of the Board.

Explanation:- In this Sub section, the words ‘Scheduled Castes’ & ‘Scheduled Tribes’ shall have the same meaning as assigned to them under clauses (24) & (25) of Article 366 of the Constitution of India”.

**Amendment of
Section -8**

7. In the Principal Act for Sub-Section (b) of Section 8 the following shall be substituted, namely :

“(b) is absent without the permission of the Board in three successive Meetings.”

**Amendment of
Section -12**

8. In the Principal Act for Sub-Section (1) & (2) of Section 12, the following shall be substituted, namely :

“(1) The Board shall have a CEO and such other Officers and employees as the Board may consider necessary for the efficient performance of its functions.

(2) The appointment of the CEO shall be made by the State Government and the appointment of other Officers and employees of the Board shall be made by the Board :

Provided that Board shall not appoint any official with the total emoluments exceeding Rs. 10,000/- per month without obtaining the previous sanction of the State Government.”

**Amendment of
Section -15**

9. In the Principal Act, for Sub-Section (a) and (d) of Section 15 the following shall be substituted, namely :

“(a) an ordinary meeting of the Board shall generally be held at least once in every three months.

(d) every meeting shall be presided over by the Chairman and in his absence by the Vice- Chairman and in the absence of the both by a member chosen by the Chairman.”

**Amendment of
Section -16**

10. In the Principal Act, for Sub-Section (1) of Section 16 and the provisos thereto, the following shall be substituted, namely :

“(1). Every contract made by the Board shall be entered into in such manner and in such form as may be prescribed and be signed by the CEO on behalf of the Board. Provided that -

(a) No contract involving an expenditure of rupees five crores or more shall be made without the previous sanction of the State Government.

(b) The Board shall have full power to approve contract for execution of works costing rupees five crore or less.

(c) In case of urgency, Chairman may approve any contract of rupees ten lakhs and below without previous sanction of the Board, but shall be referred to the Board at the earliest opportunity.”

**Amendment of
Section -19**

11. (i) for Sub-Section (1) of section 19 of the Principal Act, the following shall be substituted, namely :

“(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 Housing Schemes and Construction works. Such Housing Schemes and Construction works may include own works of the Board and works to be entrusted by the Government Departments, Autonomous Bodies/Semi Autonomous Bodies and other organizations etc.”

- (ii) for Sub- Section (3) of Section 19 of the Principal Act, the following shall be substituted, namely:

“(3) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over execution of any construction works, on behalf of local authority for building houses, offices, markets, hospitals, roads, bridges and such other constructions.”

**Amendment of
Section -20**

12. In the Principal Act in section 20, after clause-(k) clause (l) shall be inserted, namely:

“(1) successful implementation of the Construction works including all sub-heads as envisaged in the project proposal including any or all of the matters in clauses (a) to (k) above.”

**Amendment of
Section -21**

13. In the Principal Act, for clause (i) of sub-Section(2) of Section 21, the following shall be substituted, namely:

“(i) the housing schemes and other Construction works which the Board proposes to execute whether in part or in whole during the next year.”

**Amendment of
Section -32**

14. In the Principal Act, for sub-Section (1) of Section 32, the following shall be substituted, namely :

“(I) The Board shall have a fund to be called the Housing & Construction Board fund.”

**Amendment of
Section -45**

15. In the Principal Act, after Sub-Section (3) of Section 45 the following shall be inserted, namely :

“(4) The State Government may, by notification in the official Gazette, rescind or modify any rule made under this section and thereupon, the rule shall cease to have effect or be modified accordingly.”

S. C. Das
Law Secretary,
Government of Tripura.