



The Nagaland Housing Board Act, 1990

Act 10 of 1990

Keyword(s):

Housing Scheme, Improvement Scheme, Acquisition of Land

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THE NAGALAND HOUSING BOARD ACT 1990

(NAGALAND ACT NO. 10 OF 1990)

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An

Act.

to provide for the Constitution and Regulation of Housing Board for Nagaland; for the purpose of taking measures to deal with the need for housing accommodation and for the further amendment of law relating to eviction of persons in unauthorised occupation and for the further amendment of law relating to acquisition of land and for matters connected therewith.

Be it enacted by the Legislature of Nagaland in the Forty-first year of the Republic of India as follows :

CHAPTER-I PRELIMINARY

Short title extent and commencement.

1. (i) This Act may be called the Nagaland Housing Board Act, 1990.
- (ii) It extends to the whole of Nagaland.
- (iii) It shall come into force on such date as may be notified by the Government.

Definitions

2. In this Act, unless the context otherwise requires
 - (a) "Board" means the Nagaland Housing Board constituted under section 3 :
 - (b) "Board Premises" means any premises belonging to or taken on lease by or on behalf of the Board

- or vested in or entrusted to or in possession or under the control of the Board under this Act;
- (c) "Chairman" means the Chairman of the Board;
 - (d) "Government" means the Government of Nagaland;
 - (e) "Housing Scheme" means the Housing Scheme made under this Act, the rules and regulations framed thereunder;
 - (f) "Local Authority" means a Town Committee, Municipal Board and a Village Council established under the Nagaland Village and Area Councils Act, 1978
 - (g) "Member" means a member of the Board;
 - (h) "Prescribed" means prescribed by Rules made under this Act;
 - (i) "Premises" means any land or building or part of a building and includes;
 - (i) the garden, grounds and out-houses, if any, appurtenant to such building, and
 - (ii) any fitting affixed to such building or part of building for the more beneficial enjoyment thereof;
 - (j) "Rules" means rules made under this Act;
 - (k) "Regulations" means Regulations made under this Act;
 - (l) "Section" means a Section of this Act.

CHAPTER-II, ESTABLISHMENT OF THE BOARD

Constitution of the Board.

3. (1) The Government may, by notification for the purpose of this Act, establish a Board by the name of the Nagaland Housing Board.
- (2) The Board shall be a body corporate having perpetual succession and a common seal with power

subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and enter into contract and may, by the said name, sue and be sued.

Members of the Board.

4. (1) The Board shall consist of a Chairman, who shall be appointed by the Government, and the following members, namely :

Official Member :

- (a) Secretary, Housing or his nominee not below the rank of a Deputy Secretary.
- (b) Secretary, Finance or his representative not below the rank of a Joint Secretary;
- (c) Chief Engineer, P.W.D. or his representative not below the rank of a Superintending Engineer;
- (d) Chief Town Planner :
- (e) Secretary, Rural Development Department or his representative
- (f) Housing Commissioner, who shall be the Member Secretary.

Explanation

For the purpose of Clauses (a) (b) and 'Secretary' includes Commissioner and Secretary or Additional Secretary in charge of the Department. Non-Official Members :

- (1) Three Non-Official Members to be appointed by the Government.
- (2) The Government may, by notification, remove from office the Chairman or any other member.

Terms of Office and conditions of service of the Chairman and members.

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

- (2) The Chairman shall receive such remuneration and the non-official members such travelling allowance and daily allowances as may be prescribed.

Resignation of Chairman and Members.

6. The Chairman or any other non-official member may resign his office by tendering his resignation to Government but shall continue to remain in Office until his resignation is accepted.

Filling up of vacancies.

7. In the event of any vacancy occurring in the membership of the Board, the vacancy shall be filled up, as soon as may be by appointment of a new member who shall hold office for the unexpired term of his predecessor.

Appointment of Officers and staff of the Board.

8. (1) The Government shall appoint a Housing Commissioner and other officers of the Board.
- (2) Subject to the prior approval of the Government, the Board shall appoint officers and staff as it may consider necessary for efficient functioning of the Board.
- (3) The Board shall prescribe the qualifications, salary and condition of service of its employees.

Appointment of Committees

9. Subject to the Rules made under this Act, the Board may, from time and for any local area, district or subdivision, appoint one or more committees for the purpose of discharging such duties and functions as may be entrusted by the Board.

Meetings of the Board.

10. (1) The Board shall meet at least six times in a year to transact its business and a period of more than

two months shall not elapse between two consecutive ordinary meetings of the Board.

- (2) For transacting urgent business, the Chairman may convene special meetings of the Board.
 - (3) Business at the meeting of the Board shall be transacted in accordance with such regulations as the Board may make in that behalf subject to the following conditions namely :
 - (a) the quorum of ordinary or special meetings shall be one-third of the total membership including the Chairman.
 - (b) every meeting shall be presided over by the Chairman and in his absence, by any member elected by the members present at the meeting.
 - (c) If at any special or ordinary meeting of the Board there is no quorum, the person presiding over the meeting shall adjourn the meeting to any other day, not being later than seven days from the date of adjournment and no quorum shall be necessary for such adjourned meeting; and
 - (d) all questions at any meeting shall be decided by majority of votes of the members present and voting, other than the person presiding who shall have and exercise a casting vote only in case of a tie.
 - (4) No act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy in the membership of the Board.
11. (1) The Board may, for any particular purpose, temporarily associate with itself any person whose assistance or advice it desires provided that the number of such persons shall not, at any time be more than three.

- (2) A person so associated with the Board may take part in the deliberations of the Board meeting but shall have no right to vote.
- (3) The Government may send its representatives in addition to those who are members of the Board to attend any meeting of the Board but such representatives shall have no right to vote.

Execution of contracts

12. Subject to the previous approval to the Board in each case, all contracts and agreements for and on behalf of the Board shall be executed by the Housing Commissioner.

CHAPTER-III HOUSING SCHEMES

Powers and duties of the Board to undertake Housing scheme.

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

Matters to be provided for by Housing scheme

14. (1) A Housing scheme may provide for all or any of the following matters, namely :
 - (a) acquisition by purchase, exchange or otherwise of land or any property necessary for the execution of the scheme;
 - (b) laying or relaying out of any land comprised in the scheme

- (c) closure or demolition of dwellings or portions thereof unfit for human habitation within land owned or controlled by the Board.
 - (d) demolition of obstructive buildings or portion thereof within land owned or controlled by the Board.
 - (e) construction of buildings within land owned or controlled by the Board.
 - (f) sell, letting out or exchange of any property comprised in the scheme.
 - (g) construction and alteration of roads or lanes within the land owned or controlled by the Board,
 - (h) letting out management and use of the Board premises or property owned or controlled by the Board.
 - (i) provisions of accommodation for inhabitants.
 - (j) necessary amenities and service to Housing colonies owned by the Board.
 - (k) any other matter for which in the opinion of the Government it is expedient to make provisions with a view to provide housing accommodation and for the improvement and development of any area comprised in the scheme.
- (2) No Housing scheme under sub-Section (1) shall be made for any area for which and improvement scheme has already been sanction by the Government under any enactment for the time being in force nor shall such scheme contain anything which is inconsistent with any of the matters included in a Town planning scheme of the Government made under any law for the time being in force.

Types of Housing or Improvement scheme

15. A Housing or Improvement scheme shall be one or a combination of any two or more of the following types or adaptation of any features thereof, namely :—
- (a) supply of roofing material to the villagers;
 - (b) a building scheme including colonisation scheme
 - (c) a rehabilitation housing scheme.
 - (d) a city or town or village expansion scheme;
 - (e) a road construction or development scheme.
 - (f) a land development scheme.
 - (g) a site development and service scheme.

Placing of Budget before the Board.

16. (1) The Chairman shall, at a special meeting to be held in the month of January each year, lay before the Board the Budget of the Board for the next financial year.
- (2) The Budget shall be prepared in such form as may be prescribed and shall :—
- (a) include the housing scheme which the Board proposes to execute in whole or in part.
 - (b) indicate full details of all the liabilities of the Board; and
 - (c) contain a Statement showing the estimated receipts and expenditure on capital and revenue accounts and such other particulars as may be prescribed.
- (3) The Board shall consider the Budget laid before it and approve it with or without modification.

Submission of budget to Government

17. (1) The Budget approved by the Board under section 16 shall be submitted to the Government for approval and the Government may approve it or return it back to the Board for making such modification as the may direct.

- (2) When the Budget is returned to the Board by Government for making any modification, the Board shall make the modification and re-submit the Budget so modified to the Government for approval.

Supplementary Budget

18. The Chairman may at any time during the year for which the Budget has been approved by the Government, lay before the Board a supplementary Budget and the Provisions of Section 16 and 17 shall apply to such Budget.

Publication of sanctioned schemes

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

Variation of Housing Scheme.

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

Duties of the Board.

21. (1) It shall be the duty of the Board to take measures with a view to expedite matters and to reduce the cost of construction of building and the Board shall, for that purpose do all things such as :—
- (a) unification, simplification and standardisation of building materials;
 - (b) encouraging per-fabrication and mass production of building components;

- (c) organising or undertaking the production of building materials required for housing scheme;
 - (d) encouraging research for discovering cheap building materials and evolving new methods of economic construction; and
 - (e) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.
- (2) The Board may provide technical advice to the Government and scrutinise projects under Housing scheme as and when required by the Government so to do.
- (3) The Board may undertake research on various problems connected with housing in general and in particular to find out the economical method of constructing houses suited to local condition and to undertake comprehensive surveys of problems of housing.

Speedy Acquisition of land for Housing Scheme.

22. (1) In Sub-Section (1) of Section 9, of the Nagaland Land (Requisition and acquisition) Act, 1965 the words, "Housing Scheme of the Nagaland Housing Board and" shall be inserted between the words "any land for" and "public works".

Amendment of the Nagaland Eviction of persons in unauthorised occupation of public land Act, 1972

23. In the term public land defined in Clause (h) of Section 2 of the Nagaland Eviction of persons in unauthorised occupation of public land Act, 1971 insert the words, or "Nagaland Housing Board" in between the words "the State Government", and "a local authority"

Recovery of certain sums as public demand.

24. Any rent or any loan or interest under any housing scheme or any other sum due to the Board on the Certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as if was a public demand, under the Bengal Public Demands Recovery Act, 1913:

Rent etc., to be recovered by deduction from salary or wages in certain case

25. (1) Without prejudice to the provision of Section 24 where any person who is an employee of the Central or State Government, a Local Authority, or of a Private Employer has been allotted with any Board premises, he may execute an agreement in favour of the Board to the effect that the Central or State Government, the Local Authority, or the private Employer, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due from to the Board in respect of the Board premises allotted to him.
- (2) On the execution of such agreement the Central or State Government, the Local Authority or Private Employer, as the case may be, shall, if so required by the Board by requisition in writing make the deduction of the amount specified in the requisition in accordance with the agreement and pay the amount so deducted to the Board.

CHAPTER IV
FINANCE, ACCOUNTS AND AUDIT.

Board's fund

26. (1) The Board shall have its own funds called the Housing Board Fund into which shall be credited all moneys received :
- (a) by way of grants, loans, donations and gifts from the Central Government of any State Government, Local Authority or any body or individuals for all or any of the purposes of this Act; and
 - (b) by or on behalf of the Board under the provisions of this Act as all proceeds from the sale of land or any other kind of property of the Board, all rents, interests profits and other moneys accruing to the Board.
- (2) Except as otherwise directed by the Government, the Board may deposit its funds in one or more Banks or invest them in Securities, or partly in one and partly in the other.

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

- (3) The accounts of the Board shall be operated upon by such officers as may be authorised by the Board by a general or special order.

Application of the fund.

27. All properties, funds and other assets of the Board shall be held and applied by it, subject to the provisions and for the purpose of this Act.

Grants and loans to the Board.

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

Power of Board to borrow.

29. (1) Subject to the provisions of this Act and with the previous approval of the Government, the Board may, from time to time borrow money required for the purposes of this Act from the public or from any corporation owned or controlled by the Central or any Government.
- (2) Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum or any part thereof from the public, take credit from any Bank or financial owned or controlled by the Central or any Government on cash-account to be kept in the name of the Board and may the previous sanction of the Government, mortgage all or any of the properties vested in the Board as security for such credit.
- (3) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the Board may, for the promotion and execution of any Housing Scheme enter into financial institution arrangement with the Life Insurance Corporation of India, any Bank or other financial institutions approved by the Government.
- (4) Subject to the provision of this Act and such conditions and limitations as may be prescribed the Board may, out of its funds, grant loans and advances on such terms and conditions as it may determine, to any cooperative society registered under the Co-operative Society Act or to any other person for the construction of houses.

Guarantee by the Government.

30. The Government may guarantee in such manner and subject to such conditions as it may think fit, the repayment

of the principal including interest of any loan borrowed and debentures issued by the Board.

Form of debentures.

31. (1) Whenever money is borrowed by the Board by issue of debentures, the debentures shall in such form as the Board may, with the previous sanction of the Government specify.
- (2) All debentures issued by the Board shall be signed by the Chairman and the Housing Commissioner of the Board.

Expenditure in case of urgency.

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

Accounts and audits.

33. (1) The Board shall cause to be maintained proper books of accounts and such other records as the rules may require and shall prepare in accordance with the rules a Statement of accounts for each financial year,
- (2) The accounts of the Board shall be audited once a year by authorised auditors or Chartered Accountants to be appointed by the Board.
- (3) As soon as the accounts of the Board have been audited the Board shall send a copy thereof together with a copy of the report of the auditors

to the Government and shall cause the accounts to be published in the Official Gazette within 31st July every year.

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

Concurrent and special audit of accounts

34. (1) Notwithstanding anything contained in Section 33, the Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it think fit. The Government may also direct a special audit of the Accounts of the Board relating to any particular transaction or a Class or series of transactions or to a particular period.

- (2) when an order is made under Sub-section (1) the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

CHAPTER V MISCELLANEOUS

Reports.

35. The Board shall, on such date and in such form and at such intervals as may be prescribed, submit to the Government a report on such matters as may be required and the Government shall cause such report to be published in the official Gazette and every such report shall be laid before the House of the State Legislature as soon as may be after it is published.

Other Statements and returns.

36. The Board shall submit to the Government such statistics, returns, particulars, Statements, documents or papers in regard to any proposed or existing scheme

or relating to any matter or proceedings, connected with the working of the Board at such times and in such forms and manner as may be prescribed or as the Government may, from time to time direct.

Power of the Board to construct buildings.

37. Notwithstanding anything contained in this Act, the Board may undertake construction of building of the Government, a Local Authority, or a Corporation or undertaking owned or controlled by the Government or a co-operative society subject to such terms and condition as may be agreed upon in pursuance of a contract :

Govt's power to give directions to the Board

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

Power to order enquiries,

39. (1) The Government with a view to satisfy itself, that the powers and duties of the Board are being exercised and performed properly may, at any time, appoint any of person to make inquiries into all or any of the activities of the Board and to report to the Government the result of such enquires.

(2) The Board shall give to the person or persons so appointed all facilities for the proper conduct of enquires and shall produce before the person or persons all documents, books of account and other information in the possession of the Board which such person or persons may call for the purpose of the enquires.

Default in Performance of duties and Supersession.

40. (1) If the Government is satisfied that the Board has defaulted in performing any duty imposed on it

by or under this Act, it may fix a period for the performance of that duty.

- (2) If in the opinion of the Government, the Board fails or neglects to perform such duty within the period so fixed, it shall be lawful for the Government to supersede and re-constitute the Board in the prescribed manner.
- (3) On supersession of the Board and until it is reconstituted the powers, duties and functions of the Board shall be carried out by the Government or by such Officer or Officers as it may appoint for this purpose.

Dissolution of the Board.

41. (1) The Government, if it is satisfied that in public interest it is necessary so to do, may, by notification in the Official Gazette, dissolve the Board with effect from such date as it may specify and the Board shall stand dissolved accordingly.

(2) On the dissolution of the Board under sub-section (1):—

(a) all properties funds, interest and rights which vest in the Board shall vest in the Government and

(b) all liabilities enforceable against the Board shall be enforceable against the Government.

(3) Nothing in this section shall affect the liability of the Government in respect of loans or debentures guaranteed under section 30.

(4) Every notification made under sub-section (1) shall be laid before the House of the State Legislature as soon as may be.

Power to make Rules

42. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such Rules may be made for all or any of the following matters namely :—
- (a) the allowance of members and remuneration and conditions of services of the Chairman;
 - (b) the manner and form in which contracts shall be entered into;
 - (c) application forms and particulars of housing schemes and terms and conditions for grant of loan under a housing scheme;
 - (d) the manner of publication of housing schemes included in the Budget;
 - (e) the procedure to be followed in taking possession of any Board premises;
 - (f) the conditions subject to which the Board may borrow any sum under section 29;
 - (g) the manner of preparation, maintenance and publications of accounts under section 33;
 - (h) submission of reports, returns, etc. under sections 35 and 36;
 - (i) the manner in which the Board shall be superseded and re-constituted under section 46;
 - (j) qualification and other conditions of service of the Housing Commissioner and other Officers of the Board whose appointment needs prior approval of the Government,
 - (k) any other matter which is or may be prescribed under this Act.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in Session for a total period of seven days, which may be comprised in one Session or in two successive Sessions and if before the expiry of the

Session in which it is so laid or the Session immediately following, the Nagaland Legislative Assembly make any modification in the rule or decide that the 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 anything previously done under that rule.

Power to make regulations

43. The Board may, from time to time with the previous sanction of the Government, make regulations consistent with this Act and the rules made thereunder;
- (a) for the management, allotment and use of buildings, tenements, hutments and premises constructed under a housing scheme;
 - (b) for the remuneration and conditions of service of the Officers and employees appointed by the Board;
 - (c) for delegation of financial powers to the Chairman and the Housing Commissioner and other Officers;
 - (d) for regulating the procedure of disposal of its business.

Power to make bye laws.

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

- (4) All Bye-laws made under this section shall be published in the official Gazette.

Penalty for contravention of byelaws.

45. Whoever contravenes a Bye-law made under section 44 shall, on conviction, be punished with imprisonment for a term which may extend to two months or with a fine which may extend upto five hundred rupees or with both.

Authority for prosecution.

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

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

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

Protection of action taken under the Act.

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

Penalty for obstruction

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

Power to remove difficulties.

50. (1) If any difficulty or doubt arises in giving effect to the provisions of this Act, the Government may,

by order published in Gazette make such provisions, not inconsistent with the purpose of this Act, as appears to it to be necessary or expedient for the removal of the difficulty or doubt; and the orders of the Government in such case shall be final.

- (2) Every order made under this section shall be laid as soon as may be after it is made, before the Assembly while it is in Session for total period of seven days which may be comprised in one Session or in two successive Sessions and if before the expiry of the Session in which it is so laid or the Session immediately following the Assembly agree in making any modification in the order or the Nagaland Legislative Assembly agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.