

Goa Rehabilitation Board Act, 2006

9 of 2006

[26th April, 2006]

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Goa Rehabilitation Board Act, 2006

9 of 2006

[26th April, 2006]

AN ACT to provide for the establishment of a Rehabilitation Board in the State of Goa and for matters connected therewith.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Goa Rehabilitation Board Act, 2006.

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

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

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "adjoining area" means such area as may be specified to be an adjoining area under section 30 ;

(b) "appointed date" means such date as the Government may, by notification in the Official Gazette, appoint;

(c) "Board" means the Goa Rehabilitation Board established under section 3 of this Act;

(d) "Board premises" means any premises belonging to or vesting in the Board, or taken on lease or otherwise by the Board or entrusted to the Board under this Act for the purposes of this Act;

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

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

(g) "competent authority" means any person appointed by the Government to as competent authority to perform the functions of the competent authority under section 49 ;

(h) "co-operative society" means a society registered or deemed to be registered under the law relating to co-operative societies for the time being in force of this State;

(i) "rehabilitation scheme" means a rehabilitation scheme framed under this Act and includes any improvement thereof;

(j) "Government" means the Government of Goa;

(k) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

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

(m) "local authority" means a Municipal Council or a Municipal

Corporation or a village panchayat or a planning and development authority constituted under any law for the time being in force in the State of Goa;

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

(o) "premises" means any land or building or any part thereof and includes;

(i) garden, ground and out house, if any, appertaining to such building or to any part thereof and

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

(p) "prescribed" means prescribed by Rules or Regulations made under this Act;

(q) "rent" means the amount payable to the Board in respect of the occupation of any Board premises and includes the charges for water and electricity used or consumed in the premises;

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

(s) "State" means the State of Goa;

(t) "Year" means the financial year;

(u) "displaced person" means any person including any member his family, who on account of force majeure, or any development scheme framed by the Government or local authority, or eviction on the ground of unauthorised residential occupation on Government lands or for such other cause has been, or may be, rendered shelterless from his house where such person had a fixed habitation.

CHAPTER 2

ESTABLISHMENT OF BOARD

3. Establishment and incorporation of Board. :-

(1) There shall be established a Board to be called the, Goa Rehabilitation Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in it's corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property both movable

and immovable and to contract and do all things necessary for the purposes of this Act.

(3) For the purposes of this Act and the Land Acquisition Act, 1894 (Central Act of 1894), the Board shall be deemed to be a local authority.

Explanation. - The purposes of this Act referred to in sub-section (3) shall include the management and use of lands and buildings belonging to or vesting in the Board and the exercise of its rights over and with respect to such lands and buildings.

4. Composition of Board :-

The Board shall consist of a Chairman and other members nominated by the Government by notification.

5. Term of office of Chairman and other members :-

(1) Every member shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination after the expiry of his term of office.

(2) Any member may, by writing under his hand addressed to the Government, resign his office but he shall continue to hold office until his resignation is accepted by the Government.

(3) Every member shall be entitled to receive such remuneration or allowances from the funds of the Board as may be prescribed :

Provided that in the case of a member of the Legislative Assembly of Goa, he shall not be entitled to any remuneration other than the travelling allowance and daily allowance at the rate not exceeding those admissible to him as a member of the Legislative Assembly under the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Goa Act 20 of 2004).

6. Disqualification for appointment :-

(1) A person shall be disqualified for being nominated as, and for being, a member of the Board -

(a) if he holds any office of profit under the Board;

(b) if he is of unsound mind and stands so declared by a Competent Court;

(c) if he is an undischarged insolvent;

(d) if he has, directly or indirectly, by himself or by any partner, any share or interest in any contract with, by or on behalf of, the Board;

(e) if he is a Director or Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract with, by or on behalf of, the Board;

(f) if he has been convicted by a Competent Court for an offence involving moral turpitude.

(2) A person shall not, however, be disqualified under Clause (d) or Clause (e) of sub-section (1), or be deemed to have any share or interest in any contract or employment within the meaning of the said 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 newspaper in which any advertisement relating to the affairs of the Board is inserted;

(ii) any sale, purchase, lease or exchange of immovable property or any agreement for the same;

(iii) any agreement for any security for the payment of money only.

(3) A person shall not also be disqualified under Clause (d) or Clause (e) of sub-section (1), or be deemed to have any share or interest in any incorporated company which has any share or interest in contract with, by or on behalf of the Board, by reason only of his being a shareholder of such company.

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

Explanation. -For the purposes of Clause (a) of sub-section (1), the Chairman shall not be deemed to be an officer or employee of the Board.

7. Removal of Chairman and other members :-

The Government may, by notification remove from office the Chairman or any other member

(a) who is, or has become, subject to any of the disqualification mentioned in section 6 ;

(b) who is absent without the permission of the Board from all the

meetings of the Board for three successive ordinary meetings;

(c) who has, in the opinion of the Government, been guilty of any misconduct or neglect of duty 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 become a member;

(d) who has refused to act or has become incapable of so acting;

Provided that no member shall be removed by the Government from office unless he has been given prior opportunity to show cause against his removal.

8. Vacancy to be filled as early as practicable :-

(1) Any vacancy of a member of the Board shall be filled as early as practicable.

(2) Notwithstanding anything contained in this Act, the continuing members may, during such vacancy, act as if no vacancy had occurred.

9. Proceedings presumed to be good and valid :-

No disqualification of or defect in the appointment of, any person acting as a Chairman or a member of the Board or any vacancy therein shall vitiate any act or proceeding of the Board if such act or proceeding is otherwise in accordance with the provisions of this Act.

10. Temporary absence of members :-

If any members of the Board is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not available, the Government may appoint another person to officiate for him and to carry out his functions under this Act or any Rules or regulations made thereunder.

11. Leave of absence for Chairman :-

The Government may grant to the Chairman such leave as may be prescribed.

12. Officers and other employees of Board :-

(1) The Board shall have a secretary, a Housing Engineer, a Chief Accounts Officer and such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The appointment of the Secretary, Housing Engineer and Chief Accounts Officer shall be made by the Government, and the appointments and other officers and employees shall be made by the Board.

13. Conditions of services of officers and other employees of Board :-

The remuneration and other conditions of service of the Secretary, Housing Engineer, and Chief Accounts Officer and other officers and employees of the Board shall be such as may be laid down by regulations.

14. Promotions and punishments of officers and other employees of Board :-

(1) Subject to any Regulations made under section 15 , the power of making promotions to posts in the service of the Board, of granting leave to officers and other employees holding such posts, of censuring, imposing fines, withholding promotions from, reducing, suspending, removing or dismissing such officers and other employees for any breach of departmental rules or discipline or for carelessness, unfitness, or misconduct and of discharging such officers and other employees from the service of the Board for any other sufficient reasons, shall be exercised by such authority and in such manner as may be laid down by regulations :

Provided that an employee of the Central Government or State Government or of a local authority, whose services have been lent to the Board shall not be so punished except by an authority which would have been competent to do so if his services had not been so lent, but the Board shall be entitled to make an enquiry and to report against such employee to such authority.

(2) Any officer or employee of the Board who is aggrieved by an order passed under sub-section (1) other than an order under the proviso thereto may, within two months from the date of receipt by him of such order, appeal to the Government.

15. Service Regulations :-

Subject to the provisions of this Act, the Board shall, with the previous approval of the Government, make regulations, -

(a) fixing the salary and allowances and conditions of service of the Secretary, Housing Engineer, Chief Accounts Officer and other

officers and employees of the Board;

(b) fixing the amount and nature of security to be furnished by any officer or other employee from whom it may be deemed expedient to require security;

(c) for regulating the grant of leave of absence, leave allowances, and other allowances, to the officers and other employees of the Board.

Provided that an employee of the Central Government or a State Government employed by the Board shall not be entitled to leave or leave allowances, otherwise than as laid down in the conditions of his service under the Central Government or the State Government, as the case may be.

(d) for establishing and maintaining a provident fund, for compelling all or any of the officers or employees other than the employees of the Central Government or the State Government in respect of whom a contribution is paid under section 108 , to subscribe to the fund at such rates and subject to such conditions as may be prescribed, and for paying into the said fund such portion of the contribution of the Board in such manner as the Government may determine;

(e) for determining the conditions under which the officers and other employees or any of them shall on retirement receive pension, gratuities and compassionate allowance and the amount of such pensions, gratuities and compassionate allowances.

16. Control and delegation by Chairman :-

(1) The Chairman shall exercise supervision and control over the acts and proceedings of all officers and other employees of the Board, and, subject to the foregoing sections and subject also to such control, appeal and revision as may be prescribed shall decide all questions relating to conditions of services of the said officers and employees.

(2) The Chairman may, by general or special order in writing, delegate to any officer of the Board, any of his powers, duties or functions under this Act or any Rules or Regulations made thereunder, except those under sections 17, 62, 95 and 98.

(3) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (2) shall be subject

to such restrictions and limitations as may be imposed by the Chairman, and shall also be subject to his control and revision.

(4) Against any order of the nature referred to in sub-section (2) section 14 , passed by an officer to whom the powers of the Chairman in that behalf have been delegated, an appeal shall lie to the Chairman and if the Chairman has himself revised the order of such officer, an appeal shall lie to the Board against the order of the Chairman.

CHAPTER 3

CONDUCT OF BUSINESS OF BOARD AND COMMITTEES

17. Meetings of Board :-

The Board shall make such regulations with respect to the day, time, place, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely -

(a) an ordinary meeting shall be held at least once every month;

(b) the Chairman may, whenever he thinks fit, call for special meetings;

(c) every meeting shall be presided over by the Chairman and in his absence by any member chosen by the members present at the meeting to preside for the said occasion;

(d) all questions at any meeting shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman, or in his absence, the person presiding, shall exercise a casting vote;

(e) the minutes of the meetings shall be recorded in a book to be provided for the purpose and a copy of the minutes shall be forwarded to the Government within seven days of approval of the minutes;

(f) the remarks, if any, of the Government on the minutes of the meetings of the Board so received shall be communicated to the Board within two weeks from the date of receipt of such minutes, and if no remarks are communicated, it shall be deemed that the Government have no remarks to offer on the minutes.

18. Temporary association of persons with Board for particular purposes :-

(1) The Board may associate with itself in such manner and for

such purpose as may be laid down by regulations, any person whose assistance or advice it may desire for the purpose of carrying into effect any of the provisions of this Act:

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

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

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

19. Appointment and functions of Committees :-

(1) The Board may appoint Committees consisting of such number of persons as it may think fit for the purpose of discharging such duties or performing such functions and on such terms and conditions, as may be laid down by regulations.

(2) The Chairman or such other person as he may nominate in this behalf shall preside over the meetings of the Committees and the Committees shall observe such Rules of procedure in regard to transaction of business at these meetings as may be laid down by regulations.

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

20. Members of Board or Committees or persons associated with Board not to take part in proceedings in which they are personally interested :-

(1) A member or a person associated with the Board or a member of any Committee who-

(a) has, directly or indirectly, by himself or by any partner any such share or interest as described in sub-section (1) of section 6 in respect of any matter, or

(b) has acted professionally, in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take part in any proceedings of the Board or any

Committee relating to such matter.

(2) If any member or any person associated with the Board under section 18 or any member of a Committee appointed under section 19 has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any rehabilitation scheme framed under this Act, or in an area in which it has proposed to acquire land for any of the purposes of this Act,

(i) he shall at a meeting, relating to such area, of the Board or any Committee inform the person presiding over such meeting, of the nature of such interest; and

(ii) he shall not take part in any proceedings relating to such area at a meeting of the Board or any Committee.

(3) Nothing in sub-section (2) shall prevent any member or any person associated with the Board under section 18 or any member of a Committee appointed under section 19 from voting on, or taking part in the discussion, of any resolution or question relating to any subject other than a subject referred to in that sub-section.

CHAPTER 4

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

21. Powers of Board and Chairman to incur expenditure :-

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

(1) by the Chairman, in case such expenditure does not exceed rupees twenty five lakhs and;

(2) by the Board, in other cases :

Provided that the Board shall not, without the previous approval of the Government, incur any such expenditure exceeding rupees three crores.

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

22. Powers of Board and Chairman to approve estimates :-

The Board or the Chairman may accord approval to estimates for

incurring expenditure on any work or scheme for carrying out any of the purposes of this Act subject to the restrictions and conditions imposed on the Board or the Chairman as the case may be, under section 21 .

23. Emergency powers of Chairman :-

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

Provided that -

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

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

24. Power to make contracts :-

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

25. Agreements and security deposits :-

(1) Every contract shall be made on behalf of the Board by the Chairman, or any other person empowered by it in this behalf.

(2) The Chairman shall take sufficient security deposit for the due performance of the contract.

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

26. Further provisions as to execution of contracts and agreements :-

(1) Subject to the provisions of sections 24 and 25, the contracts or agreements shall be made or executed in accordance with such

rules as may be made.

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

(3) A contract or agreement made or executed in contravention of the provisions of this Act or the Rules or Regulations made thereunder shall not be binding on the Board.

27. Delegation of power of Board to sanction contracts :-

Subject to such rules as may be made, the Board may by order direct that the power conferred on it under sections 24 and 25 to sanction a contract shall be exercised by the Housing Engineer or any other Officer specified by it in the order.

28. Power of the Board to take measures for disaster prevention :-

The Board may take such measures, as it may consider necessary to prevent or mitigate any disaster, which is likely to cause displacement of persons.

29. Power of the Board to undertake rehabilitation schemes and incur expenditure :-

(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 rehabilitation schemes it may consider necessary.

(2) The Government may, on such terms and conditions as it may think fit to impose, transfer to the Board the execution of any rehabilitation scheme not provided for by this Act or any previous scheme, programme or package of rehabilitation, and the Board shall thereupon undertake the execution of such scheme as if it had been provided for in this Act.

(3) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the Government, take over for execution any rehabilitation scheme on behalf of a local authority or a co-operative society and the Board shall execute such scheme as if it had been provided for in this Act.

(4) The Board may with previous approval of the Government, for the rehabilitation of displaced persons, incur expenditure and undertake works for the framing and execution of such rehabilitation schemes, as it may consider necessary.

30. Matters to be provided for in rehabilitation schemes :-

Notwithstanding anything contained in any other law for the time being in force, a rehabilitation 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; by following the provision of the Land Acquisition Act, 1894;

(b) the laying or re-laying out of any land comprised in the scheme;

(c) the distribution or re-distribution of sites belonging to owners of the property comprised in the scheme;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(e) the demolition of obstructive buildings or portion of buildings;

(f) the construction and reconstruction of any type of buildings, their maintenance and preservation;

(g) the sale, lease or exchange of any property comprised in the scheme;

(h) the construction and alteration of roads, streets, back lanes, bridges, culverts and causeways;

(i) the draining, water supply and lighting of the streets included in the scheme;

(j) the provision of open parks, playing fields and open spaces for the benefit of any area comprised in the scheme or any adjoining area and the enlargement of existing parks, playing fields, open spaces and approaches;

(k) the provision of sanitary arrangements required for the area comprised in the scheme, including conservation and prevention of injury or contamination to reverse or other sources and means of water supply;

(l) the provision of accommodation for any class of inhabitants; (m) the provision of facilities for communication and transport;

(n) the collection of such information and statistics as may be

necessary for the purpose of this Act;

(o) the reclamation or reservation of lands for markets, gardens, playing fields and afforestation;

(p) the provision of schools, parks, dispensaries, hospitals, swimming pools, cinema houses, restaurant, shops, markets, fuel depots, laundries, hair dressing saloons and other amenities; and

(q) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to rehabilitate and for the improvement of any area comprised in the scheme or of any adjoining area for the general efficiency of the scheme.

Explanation. - For the purposes of this section, the Government may, by notification, specify any area surrounding or adjoining the area included in a housing rehabilitation scheme to be an "adjoining area".

31. Rehabilitation scheme :-

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

(a) are displaced by the execution of any scheme sanctioned by the Government; or

(b) are likely to be displaced by the execution of a scheme which the Government intend to frame; or

(c) cannot be accommodated in any scheme or,

(d) the Board may frame a rehabilitation scheme for the construction, maintenance and management of such number of dwelling houses and shops as may be required or for providing such number of open plots with roads, streets and open spaces as may be necessary.

32. Preparation, publication and transmission of notice as to rehabilitation scheme :-

(1) When any rehabilitation scheme has been framed, the Board shall cause the preparation of a notice to that effect and specify -

(a) the boundaries of the area comprised in the scheme, and

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

charges, may be seen at reasonable hours,

(c) and shall have the same published in the Official Gazette and also have a copy sent to the local authority concerned.

(2) If within two weeks from the date of publication of a rehabilitation scheme, any person communicates in writing to the Board any suggestion or objection relating to the scheme, the Board shall consider such suggestion or objection and may modify the scheme.

33. Transmission to Board of representation by the concerned local authority as to rehabilitation scheme :-

The local authority concerned to whom a copy of the notice has been sent under sub-section (1) of section 32 shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the local authority may wish to make regarding the scheme.

34. Abandonment, modification or sanction of rehabilitation scheme :-

(1) After considering the suggestions or objections received in pursuance of sections 32 and 33, the Board may either abandon or modify or sanction the scheme, or apply to the Government for sanction with such modifications, if any, as the Board may consider necessary if the cost of the scheme exceeds one crore of rupees.

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

(3) If a scheme returned for reconsideration under sub-section (2) is modified by the Board, it shall be republished in accordance with section 32 ,

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

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

35. Publication of sanction of a rehabilitation scheme :-

(1) Whenever the Board or the Government sanctions a rehabilitation scheme, it shall be published by notification.

(2) The publication of the notification in respect of any scheme shall be conclusive evidence that the scheme had been duly framed and sanctioned.

(3) Any person aggrieved by the decision of the Board sanctioning a rehabilitation scheme may, within fifteen days from the date of publication of the said scheme, appeal to the Government and the decision of the Government on such appeal shall be final :

Provided that the Government may before its decision grant a stay, in whole or part on execution of the said scheme.

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

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

(b) where such appeal is preferred, an absolute stay is granted on execution of the scheme by the Government, on and from the date of the decision of the Government on such appeal dismissing such appeal.

36. Board to execute rehabilitation scheme soon after sanction :-

As soon as may be after a rehabilitation scheme has come into force, the Board shall proceed to execute the same.

37. Variation of rehabilitation scheme :-

The Board may, at any time, vary any rehabilitation scheme or any part thereof included, in the budget approved by the Government:

Provided that such variation shall be made if it involves an expenditure in excess of ten percent of the amount as included in the budget approved by the Government for the execution of any rehabilitation scheme or if it affects the scope or purpose of any such scheme.

38. Transfer to Board for purposes of rehabilitation scheme of building, or land vested in local authority :-

(1) Whenever any building or land or any street or any part thereof, which is situated within the jurisdiction of a local authority and is vested in such local authority, is within the area of any

rehabilitation scheme, the Board shall give notice accordingly to that local authority and such building, land, or any part thereof shall thereupon vest in the Board.

(2) Where any land situated within the jurisdiction of a local authority vests in the Board under the provisions of sub-section (1), and the Board makes a declaration that such land will be retained by the Board only until it revert to the local authority as part of a street or any open space under section 40 , no compensation shall be payable by the Board to the local authority in respect of that land.

(3) Where any land or building vests in the Board under the provisions of sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the local authority as compensation, a sum equal to the market value of such land or building as on the date on which the scheme comes into force under section 35 , and where any building situated on the land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) If, in any case, where the Board has made a declaration in respect of any land under sub-section (2), the Board retains or disposes of the land contrary to the terms of declaration, so that the land does not revert to the local authority, the Board shall pay compensation to the local authority in respect of such land in accordance with the provisions of sub-section (3).

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

Provided that where the compensation payable is under dispute or under reference, the land shall continue to be in the possession of the Board if such possession was with the Board immediately prior to such dispute over the compensation.

39. Power of the Board to turn, divert 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 any 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 and pay reasonable compensation to every person who is entitled, otherwise than as a mere member of the public, to use such street or part as a means of access and has suffered liquidated damages from such discontinuance or closing.

(3) In determining the compensation payable to any person under sub-section (2), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any public street at or about the same time that the public street or part thereof on account of which the compensation is paid is discontinued for public use or closed.

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

40. Transferring streets laid out or altered and open spaces provided by Board under a rehabilitation scheme :-

(1) The Board may hand over any road or street to the local authority concerned after giving one month's notice, when, -

(a) any such road or street, laid out or altered by the Board has been duly levelled, metalled, flagged, channelled, sewered and drained in the manner provided in the scheme sanctioned by the Board or the Government under section 34 .

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

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

(2) The local authority concerned may, after receiving notice from the Board under sub-section (1), declare the street to be a public street, and the street shall thereupon vest in the local authority and shall henceforth be maintained, kept in repair, lighted and

cleaned by the local authority.

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

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

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

41. Prevention or restriction of traffic in street vested in Board during progress of work :-

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

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

42. Provision of facilities when work is executed by Board in public streets vested in it :-

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

(a) the passage or diversion of traffic;

(b) securing access to all premises approached from such street;
and

(c) any drainage, water supply, or means of lighting which is

interrupted by reason of the execution of the work.

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

43. Power of the Government to call for the records of Board and to modify rehabilitation scheme :-

(1) Notwithstanding anything contained in the foregoing provisions of this chapter, the Government may, at any time, in the case of any rehabilitation scheme, which is proposed to be framed or which has been framed by the Board or which is being executed by it, call for and examine the records of the Board relating to such scheme and if, after making the examination and after considering the representations, if any, of the Board and the local authority concerned, it appears to the Government that such scheme should be modified, annulled or remitted for reconsideration to the Board or that such scheme should be executed with modifications, it may pass orders accordingly.

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

(3) Any rehabilitation scheme which has already come into force but had been modified by the Government under sub-section (1) shall have effect as if it has been duly sanctioned by the Board or the Government, as the case may be, under section 34. The scheme as modified shall be published in accordance with the provisions of section 35 and on such publication, the scheme so modified shall come into force and have effect accordingly.

44. Power to exempt :-

The Government may, by notification, exempt either generally or subject to such conditions and restrictions as may be specified in such notification and for reasons to be recorded therein, any rehabilitation scheme, or schemes, from all or any of the provisions of this chapter.

45. Rehabilitation grants to displaced persons :-

The Board may, for the relief and rehabilitation of displaced persons, direct payment of any rehabilitation grant to a displaced person under such condition and to such extent and in such form and manner as may be prescribed.

46. Power to purchase or lease the land by agreement :-

(1) The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange of any land which is needed for the purposes of a rehabilitation scheme, or any interest in such land, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith;

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

(2) The Board may also take necessary steps for the compulsory acquisition of any land or any interest therein required for the execution of a rehabilitation scheme in the manner provided in the Land Acquisition Act, 1894, (Central Act of 1894) and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the said Land Acquisition Act, 1894.

47. Power to dispose of land :-

Subject to such Rules as may be made by the Government under this Act, the Board may retain, lease, sell, exchange or otherwise dispose of any land, building or other property vested in it and situated in the area comprised in any rehabilitation scheme sanctioned under this Act.

48. Disputes regarding reconstitution of plots :-

(1)

(a) Where by the making of a rehabilitation scheme, any plots comprised in the area included in the scheme are reconstituted or any person is dispossessed, the Board shall, after making such inquiry as it thinks fit, award to the person affected by such reconstitution or dispossession such compensation as it deems reasonable.

(b) If the person is dissatisfied with the decision of the Board in the matter, he may inform the Board accordingly within one month.

(c) The Board shall within thirty days thereof refer the matter to the Government.

(2) The Government shall then after making an inquiry, if necessary, determine the amount of compensation and direct the Board to pay the same to the person entitled thereto.

CHAPTER 7

POWER TO EVICT PERSONS FROM BOARD PREMISES

49. Appointment of competent authority :-

The Government may, by notification, appoint an officer who holds or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority under this Chapter in such area, or in respect of such premises or class of premises, as may be specified in the notification and more than one officer may be appointed as competent authority in the same area in respect of different premises or different classes of premises.

50. Power to evict certain persons from Board premises :-

(1) If the competent authority is satisfied -

(a) that the person authorized to occupy any Board premises has -

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(ii) sub-let, without the permission of the Board, the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorized to occupy such premises, or

(b) that any person is in unauthorized occupation of any Board premises, the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served

(i) by post, or

(ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or

(iii) in such other manner as may be prescribed, order that person as well as any other person who may be in occupation of the whole or any part of the premises, to vacate them within one month from the date of the service of the notice:

Provided that no such order shall be passed unless the person has

been afforded an opportunity to show cause why such order should not be made.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take over the possession of the premises and may for that purpose use such force as may be necessary.

(3) If any property belonging to the evicted occupant is found deposited in the premises at the time of taking possession of the premises under sub-section (2), the competent authority shall take possession of such property, and after giving reasonable time to the owner to recover it, dispose it of by public auction and the Board shall not be liable to pay any compensation for the alleged loss on the property left behind by the evicted person. The net proceeds realized from the disposal of the property belonging to the evicted occupant shall be returned to him.

(4) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of Clause (a) of sub-section (1) within thirty days of the date of service of the notice or such longer time as the competent authority may allow, pays to the Board the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the competent authority, as the case may be, the competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation. - For the purposes of this section and section 51 , the expression "unauthorized occupation" in relation to any person unauthorized to occupy any board premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

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

(1) Subject to such Rules as may be prescribed and without prejudice to the provisions of section 50 , where any person is in arrears of rent payable in respect of any Board premises, the

competent authority may, by notice served

(i) by post, or

(ii) by affixing a photocopy of it on the outer door or some other conspicuous part of such premises, or

(iii) in such other manner as may be prescribed, order that person to pay the same within such time not being less than thirty days as may be specified in the notice and if such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorized occupation of any Board premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may by notice served

(i) by post, or

(ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or

(iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice and if any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

(3) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling on him to show cause, within such period as may be specified in such notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the competent authority.

52. Appeal :-

(1) Any person aggrieved by an order of the competent authority under section 50 or section 51 may, within one month of the date of the service of the notice under section 50 or section 51, as the case may be, prefer an appeal to the Government:

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

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

(3) Where an appeal is preferred under sub-section (1), the Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

(4) Where an appeal is preferred relating to the quantum of rents due or damages due, such appeal shall be entertained only after the said amount is deposited with the board under protest:

Provided that the Government may for good and valid reasons, entertain such appeal without making of such deposit.

CHAPTER 8

FINANCE, ACCOUNTS AND AUDIT

53. Boards Fund :-

(1) The Board shall have it's own fund.

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

(3) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interests, and profits for work done to private and public agencies and other moneys accruing to the Board shall constitute the funds of the board.

(4) Except as otherwise directed by the Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of India or any Scheduled Bank or invested in such other form as may be approved by the Government :

Provided that the Board may invest any sums not required for immediate use in such securities or debentures as may be approved by the Government.

(5) Notwithstanding anything contained in sub-section (4), the

Board may deposit in the Reserve Bank of India or in any Scheduled Bank any amount not exceeding such sum as may be prescribed for the operation of an account with such bank and such account shall be operated upon by such officers of the Board as may be authorized by the Board and in such manner as may be prescribed.

Explanation. - For the purposes of this sub-section, the "Reserve Bank of India" shall mean the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) and a Scheduled Bank shall mean a Bank included in the Second Schedule to the said Act.

54. Subventions and loans to Board :-

The Government may make subventions or advance loans to the Board for the purposes of this Act on such terms and conditions as the Government may determine.

55. Power of Board to borrow and lend :-

(1) The Board may, with the previous sanction of the 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) 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 any corporation owned or controlled by the Central Government or a State Government on a cash account to be kept in the name of the Board to the extent of such sum or part thereof, and may, with the previous sanction of the Government, grant mortgages of all or any of the properties vested in the Board by way of 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 rehabilitation scheme under this Act, enter into financial arrangements with any bank or other financial institutions approved by the Government or with the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956).

(4) Subject to the provisions of this Act and to 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 co-operative society for the construction or improvement of houses.

56. Guarantee by Government of loans :-

The Government may guarantee in such manner as it thinks fit, the payment of the principal and interest of any loan proposed to be raised by the Board on debenture or of either the principal or the interest;

Provided that the Government shall, so long as any such guarantees are in force, lay before the Legislative Assembly of the State of Goa in every year during the budget session, a statement of the guarantees, if any, given during the current year and an up-to-date account of the total sums, if any, which have been paid out of the Consolidated Fund of the State by reason of any such guarantees or paid into the said fund towards repayment of any money so paid out.

57. Repayment of loans taken under section 55 :-

Every loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board and subject to the provisions of sub-section (2) of section 72 by such of the following methods as may be approved by the Government, namely -

(a) from a sinking fund established under section 58 in respect of the loan; or

(b) by payment of equal yearly or half-yearly installments of principal or of principal and interest, throughout the said period; or

(c) if the Board has, before borrowing money on debentures, reserved by public notice, a power to pay off the loan by periodical installments and to select by lot the particular debenture to be discharged at particular periods, then, by paying such installments at such periods; or

(d) from money borrowed for the purpose; or

(e) partly from the sinking fund established under section 58 in respect of the loan and partly from money borrowed for the purpose.

58. Establishment and maintenance of sinking fund :-

(1) Whenever a loan has to be repaid from the sinking fund, the

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

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

Provided that the rate so prescribed shall not exceed five per cent per annum.

59. Power to discontinue payments into sinking fund :-

Notwithstanding anything contained in section 58 , if at any time the sum standing at credit of the sinking fund established for repayment of any loan is of such amount that if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to repay the loan at the end of the period agreed upon by the Board, then, the Board may discontinue further annual payment into such fund.

60. Investment of sinking fund :-

All money paid into a sinking fund shall, as soon as possible, be invested by the Board -

(a) in Government securities; or

(b) in securities guaranteed by the Central Government or a State Government.

61. Annual examination of sinking fund :-

(1) The Government shall cause the said sinking fund to be examined every year and ascertain whether the cash and current value of the securities at credit of such fund are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

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

62. Estimates of income and expenditure to be laid annually before Board :-

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

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

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as may be prescribed.

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

63. Sanction of Board to estimates :-

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

64. Approval of Government to estimate :-

(1) Every such estimate as sanctioned by the Board, shall be submitted to the Government who may, at any time within one month after receipt of the same, -

(a) approve the estimate; or

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

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

65. Supplementary estimate :-

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

(2) The provisions, of sub-sections (3) and (4) of section 62 , and

of sections, 63 and 64 shall apply to every supplementary estimate.

66. Adherence to estimate and maintenance of closing balance :-

(1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant or can be met by re-appropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such limit as may be prescribed.

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

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

(b) payments due under a decree or order of a Court;

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

(d) sums payable under this Act by way of compensations; and

(e) payments required to meet any emergency.

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

67. Definition of cost of management :-

For the purposes of this chapter, "cost of management" means -

(a) the allowances and remuneration of the Chairman and the members of the Board;

(b) the salaries, fees and allowances and contributions paid in respect of officers, associates and other employees of the Board, except employees who are paid by the day or whose pay is changed to temporary work; and

(c) all office expenses incurred by the Board.

Explanation. - For the purpose of Clause (c), the expression "office expenses" means expenses incurred for carrying on office work, and

includes the rent of office buildings, the provision of furniture therefore, charges for printing and stationery, postage, electricity, telephones, telegrams, conservancy charges, and catering charges incurred in connection with meetings and conferences held by or on behalf of the Board and contributions towards welfare and recreation of the staff of the Board.

68. Capital account and revenue account :-

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

(2) The capital account shall show separately all expenditure incurred by the Board on rehabilitation scheme.

69. Credits to capital account :-

There shall be credited to the capital account

(a) all moneys received on account of loans taken by the Board in pursuance of this Act;

(b) all moneys received as grants by the Board for purposes of this Act from the Government;

(c) all moneys received by the Board on account of repayment of loans and advances granted under section 55 ;

(d) the proceeds of the sale of any land belonging to the Board which was purchased out of any loans or grants;

(e) where any land was purchased out of advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance;

(f) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Board;

(g) all lumps sum received from any Government in aid of the capital account; (h) all moneys received by the Board in connection with leases;

(i) all sums, if any, which the Government directs under sub-section (2) of section 72 to be credited to the capital account; and

(j) all moneys realised from the sale of securities by direction of the Government under section 73 .

70. Application of capital account :-

The moneys credited to the capital account shall be held by the Board in trust and shall be applied to -

- (a) meeting all costs of framing and executing rehabilitation scheme;
- (b) meeting the cost of acquiring lands for carrying out any of the purposes of this Act;
- (c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act;
- (d) the repayment of loans from money borrowed in pursuance of this Act;
- (e) granting of loans and advances under section 55 ;
- (f) making payments in pursuance of section 106 otherwise than for interests or for expenses of maintenance or working;
- (g) making or contributing towards the cost of surveys in pursuance of section 104 ;
- (h) meeting such proportion of the cost management as may be directed by the Board; and
- (i) temporarily making good the deficit, if any, in the revenue account at the end of any year.

71. Credits to revenue account :-

There shall be credited to the revenue account

- (a) all annually recurring sums received from the Government in aid of the funds of the Board;
- (b) all compensation received by the Board under section 90 ;
- (c) all rents of land vested in the Board;
- (d) all rents of buildings vested in the Board;
- (e) all interest of loans and advances granted by the Board under section 55 ; and
- (f) all other receipts by the Board which are not required by section 69 to be credited to the capital account.

72. Application of revenue account :-

- (1) The moneys credited to the revenue account shall be held by

the Board in trust, and shall be applied to -

(a) payment of all charges or payments towards interest or sinking fund due on account of any loan taken in pursuance of this Act, and all other charges incurred in connection with such loans;

(b) payment of all sums due from the Board in respect of rates and taxes imposed by the local authority concerned, upon the land vested in the Board;

(c) payment of cost, if any, of maintaining a separate establishment for the collection of rents and other proceeds of land vested in the Board;

(d) payments of all sums which the Government may direct to be paid to any auditor under section 79 ;

(e) payment of the cost of the management excluding such proportion thereof as may be debited to the capital account under Clause (h) of section 70 ;

(f) payment of all other sums due from the Board, other than those which are required by section 70 , to be disbursed from the capital account.

(2)The surplus, if any, remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 66 , be invested in the manner laid down in section 60 towards the service of any loan outstanding after the expiry of thirty years from the commencement of this Act, unless the Government otherwise directs.

73. Power to direct sale of securities in which any surplus of the revenue accounts is invested :-

If at any time after any surplus referred to in sub-section (2) of section 72 has been invested, the Board is satisfied that the investment is not needed for the service of any loan referred to in that sub-section, it may, with the approval of the Government, sell the securities held under the investment.

74. Advance from revenue account to capital account :-

(1) Notwithstanding anything contained in section 72 , the Board may advance any sum standing at the credit of the revenue account to the capital account for the purpose of meeting capital

expenditure.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

75. Advance from capital account to revenue account :-

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

(2) Every such advance shall be refunded to the capital account in the following year.

76. Submission of abstracts of accounts to Government :-

At the end of every year, the Board shall submit to the Government an abstract of the accounts of its receipts and expenditure for such year, in such form and in such manner as may be prescribed.

77. Audit of accounts :-

The accounts of the Board shall be examined and audited once every year by such auditor as the Government may appoint in this behalf.

78. Powers of auditor :-

The auditor may, -

(a) by summons in writing, require production of any document, the perusal or examination of which he believes necessary for the elucidation of the accounts;

(b) by summons in writing, require any person who has the custody or control of any such document or who is accountable therefore to appear in person before him; and

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

79. Remuneration of auditor :-

The Board shall pay to the auditor such remuneration as the Government may direct.

80. Reports and information to be furnished by auditor to Board :-

(1) The auditor shall

(a) report to the Board and to the Government any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Board, or in the accounts;

(b) furnish to the Board such information as it may require concerning the progress of his audit;

(c) report to the Chairman any loss or waste of money or other property owned by or vested in the Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste; and

(d) submit to the Chairman a final statement of audited accounts, together with report on the result of the audit and duplicate copies thereof to the Government, within a period of three months from the end of the year or within such further period as the Government may allow in that behalf.

(2)

(a) The auditor may disallow every item contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment and may charge against any person responsible therefore the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(b) The auditor shall state in writing the reasons for his decision in respect of every disallowances, surcharge or charge and furnish a copy thereof by registered post to the person against whom it is made.

(c) If the person to whom a copy of the decision is so furnished refused to receive it, he shall be deemed to have been duly furnished with the copy, within the meaning of Clause (b); and the period of fourteen days fixed in sub-sections (4) and (5) shall be calculated from the date of such refusal.

(3) For the removal of doubts, it is hereby declared that it shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss to contend that, notwithstanding his negligence or misconduct, the deficiency or loss

would not have occurred but for the negligence or misconduct of some other person.

(4) Any person aggrieved by a disallowance, surcharge or charge made under sub-section (2) may, within fourteen days after he has been furnished with a copy of the decision of the auditor, appeal to the Government who shall pass such orders as it thinks fit.

(5) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Board within fourteen days after he has been furnished with a copy of the decision of the auditor unless within that time such person has appealed to the Government against the decision under sub-section (4);

and such sum if not paid, or such sum as the Government shall declare due, shall be recoverable on an application made by the Board to the Government as if it were an arrears of land revenue.

(6) Notwithstanding anything contained in this section, the Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by the auditor under this Act shall be waived, if in its opinion, such a course is necessary, after considering all the circumstances of the case.

81. Auditors report to be sent to each member and considered by Board :-

The Chairman shall cause the report of the auditor to be printed and shall forward a printed copy thereof to each member and shall bring such report before the Board for consideration at the first meeting to be held immediately thereafter.

82. Board to remedy defects pointed out by auditor :-

It shall be the duty of the Board to remedy forthwith any defects or irregularities that may be pointed out by the auditor and to submit a report thereon to the Government.

83. Statement of accounts and audit report to be forwarded to Government :-

(1) The Statement of accounts of the Board as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof as it deems fit and the

Board shall comply with such instructions.

(2) The Government shall -

(a) cause the statement of accounts of the Board together with the audit report thereon to be laid annually before the Legislative Assembly of the State of Goa; and

(b) cause the statement of accounts of the Board and the audit report to be published in the prescribed manner and make available copies thereof on sale at a reasonable price.

84. Valuation of assets and liabilities of Board :-

The Board shall have valuation of its assets and liabilities every five years made by a valuer appointed with the approval of the Government;

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

CHAPTER 9

PENALTIES AND PROCEDURE

85. Penalty for removing bar, chain or post :-

If any person, without lawful authority, infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 41 , he shall be punishable with fine which may extend to fifty rupees.

86. Penalty for building within street alignment or building line without permission :-

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

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

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

87. Penalty for failure to comply with requisition made by

auditor :-

If any person fails to comply with any requisition made by the auditor under section 78 , he shall be punishable,

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

(b) in case of a continuing failure, with further fine which may extend to fifty rupees for each day after the first during which the failure continues.

88. Penalty for obstructing contractor or removing mark :-

If any person -

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

(b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorized by this Act or any Rule or regulation made or scheme sanctioned thereunder;

(c) he shall be punished with fine which may extend to two hundred rupees.

89. Penalty for breach of the provisions of the Act :-

Whoever contravenes any of the provisions of the Act or any of Rule or Regulation made or scheme sanctioned thereunder, shall, if no other penalty is provided for such contravention, be punishable, -

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

(b) in case of a continuing contravention, with further fine which may extend to fifty rupees for each day after the first during which the contravention continues.

90. Compensation to be paid by offenders :-

(1) When any person is convicted of any offence under this Act or any Rule or regulation made thereunder, the Magistrate convicting such person may, on application made in this behalf by the Board or by its officer or other employee authorized by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his

act omission in respect of which he is convicted.

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

(3) The amount of the compensation directed to be paid under subsection (2) shall, if it is not said forthwith, be recovered as if it were a fine imposed by the Magistrate on such person.

91. Punishment for acquiring share or interest in contract with Board :-

If any member or any officer or other employee of the Board acquires, directly or indirectly, by himself or by any partner, otherwise than as such member, officer or other employees, any share or interest in any contract with, by or on behalf of the Board (not being a share or interest which, under section 6 it is permissible for a member to have without being thereby disqualified fit for being appointed a member) he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code, 1860 (45 of 1860).

92. Cognizance and trial of offences :-

(1) No Court shall take cognizance of any offence punishable under this Act or any Rule or Regulation made thereunder unless complaint of such offence is made within six months next after the commission thereof.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act, or any Rule or regulation made thereunder.

(3) Every offence punishable under this Act shall be a cognizable offence and a bailable one.

93. Duty of Police Officers :-

It shall be the duty of every Police Officer

(a) to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act or any Rule or Regulation made thereunder,

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

(c) to assist the Chairman or any officer or other employee of the Board reasonably demanding his aid for the lawful exercise of any power vested in the Chairman or in such officer or other employee under this Act or any Rule or Regulation made thereunder.

94. Arrest of offenders :-

(1) Any Police Officer not below the rank of a Police Sub-Inspector may arrest any person who commits in his presence any offence punishable under this Act or any Rule or Regulation made thereunder, if the name or address of such person is unknown to him, and if such person on demand decline to disclose his name or address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for a longer time than is necessary for bringing him before a Magistrate and in no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a Magistrate.

95. Powers of Chairman as to institution and composition of legal proceedings :-

The Chairman may, subject to the control of the Board,

(a) institute, defend or withdraw from legal proceedings under this Act or any Rules or Regulations made thereunder;

(b) compound any offence against this Act or any Rules or Regulations made thereunder which, under any law for the time being in force, may lawfully be compounded;

(c) admit, compromise or withdraw any claim made under this Act or any Rules or Regulations made thereunder; and

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

96. Protection of action taken in good faith :-

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

97. Notice of suit against Board :-

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

98. Proof of consent of Board or Chairman or officer or other employee of Board :-

Whenever, under this Act or any Rule or Regulation made thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of

(a) the Board or the Chairman; or

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

99. Power of Chairman to direct removal of unauthorized erection, within street alignment :-

(1) The Chairman may, by a written notice, require the owner for the time being of the wall of building referred to in section 86 to stop further work on such wall or building and alter or demolish the same in such manner and within such time as may be specified in the notice.

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

100. Power of Board to pay compensation :-

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

101. Public notice how to be made known :-

Every public notice given under this Act or any Rule or Regulation made thereunder shall be in writing and under the signature of the Chairman or any person authorized by him in this behalf and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat or drum or by advertisement in leading daily newspapers or by any two or more of these means, and by any other means that the Chairman may think fit. Every such notice shall also be published by affixture in the notice board of the office or sub-offices of the Board.

102. Stamping signature on notice or bills :-

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

103. Service how to be effected :-

When any notice, bill or other documents is required by this Act, or any Rule or regulation made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected

(a) by giving or tendering such document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode, or by giving or tendering the same to

some adult member or servant of his family;

(c) if his address elsewhere is known, by forwarding such document to him by registered post under cover bearing the said address; or

(d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the building or land, if any, to which the document relates.

104. Power to make surveys or contribute towards their cost :-

The Board may

(a) cause the survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act; or

(b) contribute towards the cost of any such survey made by any other local authority.

105. Power of entry :-

(1) The Chairman or any person, either generally or specially authorized by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order -

(a) to make any inspection, survey, measurement, valuation or inquiry,

(b) to take levels,

(c) to dig or bore into the sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks and cutting trenches, or,

(f) to do any other thing,

(g) whenever it is necessary to do so for any of the purpose of this Act or any Rule or Regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder : Provided that -

(a) no such entry shall be made between sunset and sunrise;

(b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered except with the consent of

the occupier thereof, without giving the said occupier at least twenty-four hours, previous written notice of the intention to make such entry;

(c) sufficient notice shall, in every instance, be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;

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

(2) Whenever the Chairman or a person authorized under subsection (1) enters into or upon any land in pursuance of that subsection, he shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid; and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision thereon shall be final.

CHAPTER 10
MISCELLANEOUS

106. Powers of Board for facilitating movement of the population :-

With a view to facilitate the movement of the population in and around any city, town or village, the Board may,

(a) subject to any condition it may think fit to impose

(i) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of expenditure on the construction, maintenance or working of means of locomotion; or

(ii) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(b) either singly or in combination with any other person, construct, maintain and work any means of locomotion under the provisions of any law applicable thereto; or

(c) construct, widen, strengthen or otherwise improve bridges:

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

107. Members, officers and other employees of Board and Committees deemed to be public servants :-

All members, officers and other employees of the Board, the members of Committees, and all other persons entrusted with the execution of any function under this Act, 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, 1860 (45 of 1860).

108. Contributions towards leave allowances and pensions of employees of the Central Government or State Government :-

The Board shall be liable to pay such contributions for the leave salary, pension or provident fund of any employee of the Central Government or State Government employed as Chairman or as an officer or other employee of the Board as may be required by the conditions of his service under the Central Government or a State Government to be paid by him or on his behalf.

109. Board and Chairman to exercise powers and functions of local authority :-

In any area in respect of which a rehabilitation scheme is in force, the Government may, by notification, declare that for the period during which such scheme remains in force and or subject to such restrictions and modifications, if any, as may be specified in the notification, the powers, and functions exercisable by a local authority or its executive authority under the enactment constituting such local authority shall be exercised by the Board or the Chairman, as the case may be.

110. Supply of documents and information to Government :-

The Chairman shall, if so directed by the Government, forward to it a copy of all the papers which were laid before the Board for consideration at any meeting and furnish any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, a report of any such matter and a copy of any documents in charge of the Chairman.

111. Submission of administration report to Government :-

(1) As soon as may be after the first day of April in every year or

such later date as may be fixed by the Government, the Board shall submit to the Government a detailed report of the administration during the preceding year in such form as the Government may direct.

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

112. Power of Government to give directions to Board and local authorities :-

The Government may give the Board or any local authority such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, and after giving an opportunity to the Board or, as the case may be, to the local authority to state its objections, if any, to such directions and after considering the said objections, the Government may, if it considers necessary so to do, modify such directions and it shall thereupon be the duty of the Board or the local authority to comply with such directions or the directions so modified, as the case may be.

113. Supersession of Board :-

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

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

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

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

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

Government may direct;

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

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

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may

(a) extend the period of supersession for such further period as it consider necessary; or

(b) reconstitute the Board in the manner provided in section 4 .

114. Dissolution of Board :-

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

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

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

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

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

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

(3) Nothing in this section shall affect the liability of the Government in respect of debentures guaranteed under section 56

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115. Power to remove difficulties :-

If any difficulty arises in-giving effect to the provisions of this Act, the Government may, by notification make such provisions as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of 3 years from the date of commencement of this Act.

116. Power to make rules :-

(1) The Government may, after previous publication, make Rules for the purpose of carrying into effect the provisions of this Act.

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

(a) remuneration and allowances of the Chairman and other members under section 5 ;

(b) leave of absence for the Chairman under section 11 or the members under section 10 ;

(c) control and revision by the Chairman under section 16 ;

(d) provisions as to execution of contracts and agreements under section 26 ;

(e) delegation of powers of the Board to sanction contracts under section 27 ;

(f) disposal of land under section 47 ;

(g) other manner of service of notice under section 50 and section 51 ;

(h) manner of assessment of damages under section 51 ;

(i) maximum sum to be deposited and the manner of operation of accounts under sub-section (5) of section 53 ;

(j) conditions and limitations to be laid down under section 55 ;

(k) forms and details relating to estimates of income and expenditure under section 62 ;

(l) form and manner of abstracts of accounts to be submitted to the

Government under section 76 ;

(m) any other matter which is required to be or may be prescribed.

(3) Every Rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly of the State of Goa while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the House agrees in making any modification in any such Rule or the House agrees that the Rules 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.

117. Power to make regulations :-

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

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

(a) conditions of service of officers and other employees of the Board under section 13 ;

(b) service regulations under section 15 ;

(c) day, time, place, notice, management and adjournment of meetings of Board under section 17 ;

(d) manner in which and the purposes for which persons may be associated with the Board under section 18 ;

(e) matters relating to appointment and functions of Committees under section 19 ;

(f) any matter which is required to be, or may be, laid down by regulations.

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