

KARNATAKA HOUSING BOARD RULES, 1964

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KARNATAKA HOUSING BOARD RULES, 1964

In exercise of the powers conferred by Section 74 of the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963), the Government of Karnataka hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of the said section in Notification No. GSR 345, dated the 7th December, 1964 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 24th December, 1964.

1. Title :-

These rules may be called the Karnataka Housing Board Rules, 1964.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963);
- (b) "Form" means a form appended to these rules;
- (c) "Government" means the State Government;
- (d) "Schedule" means a Schedule appended to these rules;
- (e) "Section" means a section of the Act.

3. Allowance to the Chairman and other Members :-

(1) There shall be paid to the Chairman.

(a) if he is a non-official.

(i) ¹[x x x x x;]

(ii) travelling allowance at the rates admissible to an Officer of the highest class under Part VIII of the Karnataka Civil Services Rules;

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(b) if he is an Officer of the Government, the salary and allowances admissible to him from time to time as a member of the State Civil Service or the All India Services as the case may be.

3

(2) A member of the Board shall be entitled to a sitting fee of ⁴rupees Seventy-five only per day of sitting, and daily allowances and travelling allowance at the rates specified in 'List A' of the Annexure to Annexure-'A' to the Karnataka Civil Service Rules, when he is required to be present at a place in connection with the business of the Board:

Provided that no member whose ordinary place of residence is within the municipal or panchayat limits of the place at which he is required to be present shall draw daily allowance and travelling allowance for attending the business of the Board:

Provided further that no member shall be entitled to both daily allowance and sitting allowance fee for the same day: ⁵

Provided that if the Chairman is an Officer of the Government he shall be entitled to leave in the same manner and subject to the

same terms and conditions as are applicable to him from time to time as an Officer of the State Civil Service or the All India Services, as the case may be.

1. Item (i) omitted by GSR 150, dated 14-5-1974.
2. Clause (b) substituted by GSR 61, dated 27-2-1971.
3. Sub-rule (2) substituted by GSR 322, dated 18-7-1967.
4. Substituted for the words "Rupees forty" by GSR 180, dated 26-6-1976.
5. Third proviso inserted by GSR 44, dated 17-2-1973.

4. Leave to the Chairman :-

¹ [x x x x x.]

1. Rule 4 omitted by GSR 150, dated 14-5-1974.

4A. Appointment of Officers and servants of the Board :-

¹ It shall not be necessary to consult the Karnataka Public Service Commission before making appointment to the following posts under the Board, namely.

1. Shroffs;
2. Peons;
3. Drivers;
4. Dalayats;
5. Typists;
6. Stenographers;
7. Bill Collectors;
8. Watchman;
9. Gardners;
10. Sweepers; and
11. Appointment of Government Servants on deputation.

1. Rule 4-A inserted by SO 1106, dated 7/12-4-1978.

5. Condition of service of the Officers and servants of the Board :-

¹

(1) The Officers and servants of the Board shall be paid after retirement a pension at the same rates and subject to the same

conditions as laid down in the Karnataka Civil Services Rules.

2

(2) The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 shall mutatis mutandis, be applicable to the Officers and servants

SCHEDULE A

For Officials of Karnataka Housing Board Authority which may impose penalty as per Rule 8 of K.C.S. (C.C. & .) Rules, 1957

	Class of Posts	Authority empowered to appoint	Authority empowered to impose penalties and penalties which he may impose		Appellate Authority
			Authority	Penalties (Rule 8)	
1	2	3	4	5	6
1.	Revenue Officer, General Assistant, Manager and Superintendents	Housing Commissioner	Secretary Housing Commissioner	ii to iv v to viii	Housing Commissioner Chairman
2.	First Division Clerks, Stenographers, Inspectors	-do-	-do-	-do-	-do-
3.	Second Division Clerks, Typists, Sheroffs, Telephone Operates, Bill Collectors, Electricians and Drivers	-do-	-do-	-do-	-do-
4.	Attenders, Daffedars, Lift Attenders, Gardeners Peons, Cleaners, Watchmen, Sweepers, Blue Printers	-do-	-do-	i to iv v to viii	-do-
For the Staff of Divisional and Sub-Division Offices					
5.	I Division Clerks, Stenographers, II Division Clerks, Inspector,	Housing Commissioner	Executive Engineer, Housing	ii to iv v to viii	Housing Commissioner Chairman

	Typists, Drivers, Bill Collectors		Commissioner		
6.	All Class IV Posts	Housing Commissioner	Executive Engineer, Housing Commissioner	1 to iv v to vii	Housing Commissioner, Chairman

SCHEDULE B

Officials lent to K.H.B. (Non-Gazetted Officers)

Authority which may impose penalty as per Rule 8 of K.C.S. (C.C. & A.) Rules, 1957

	Class of Posts	Authority empowered to appoint	Authority empowered to impose penalties and penalties which he may impose		Appellate Authority
			Authority	Penalties (Rule 8)	
	(1)	(2)	(3)	(4)	(5)
1.	Assistant Engineer, Junior Engineer, Draftsman, Tracers (in Head Office)	Housing Commissioner	Secretary Housing Commissioner	ii to iv v to viii	Housing Commissioner Chairman
2.	Accounts Superintendents Taluk Sheristedarcum superintendents, I Division Clerk, Stenographers Revenue Inspectors and Surveyors				
3.	II Division Clerks				
For the Staff of Divisional and Sub-Division Offices					
4.	Assistant Engineer, Junior Engineer, Draftsman, Tracers, I Division Clerk Stenographers, II Division Clerks	Housing Commissio ner	Executive Engineer, Housing Commissioner	ii to iv v to viii	Housing Commissioner Chairman]

1. Rule 5 renumbered as sub-rule (1) thereof by GSR 103, dated 20-4-1983.
2. Sub-rule (2) of Rule 5 inserted by GSR 103, dated 20-4-1983.

6. Committees :-

- (1) The Board may appoint from among its members such committees as it may consider necessary.
- (2) The number of members of any committee shall not exceed five.
- (3) The members of a committee shall hold office during the pleasure of the Board.
- (4) Every meeting of a committee shall be presided over by the Chairman if he is a member of the committee and is present and in his absence by any member chosen by the Members present at the meeting to preside for the occasion. If the Chairman is not a member of any committee, the committee shall elect its Chairman.
- (5) The quorum for a meeting of a committee shall be one-half of the total number of members of the committee and no quorum shall be necessary for an adjourned meeting.

7. Execution of contracts :-

- (1) Every contract for the execution of any work or the supply of any materials or goods involving an expenditure exceeding five thousand rupees shall be made by affixing the common seal of the Board.

1

- (2) For the execution of works or the supply of any materials or goods by or on behalf of or in favour of the Board, the rules and forms prescribed by the Kamataka Public Works Department in respect of tenders and contracts, shall be followed to the extent that they are not inconsistent with the provisions of the Karnataka Housing Board Act and Rules.

1. Sub-rule (2) of Rule 7 substituted by GSR42, dated 25/28-1-1978.

8. Preparation and submission of Annual Housing Programme, Housing Scheme, Budget and Establishment

Schedule :-

(1)

(i) The Annual Housing Programme shall be prepared in Form I;

(ii) The budget for the next year shall be prepared in Form II; and

(iii) the Schedule of the staff of Officers and servants already employed and to be employed during the year shall be prepared in Form III.

(2) Every housing scheme shall be framed by the Board in conformity with the outline Development Plan or the comprehensive Development Plan, as the case may be, made for any area under the Karnataka Town and Country Planning Act, 1961.

9. Disposal of land :-

(1) The Board may transfer any land vesting in it and situate in the area comprised in any housing scheme to the Government in order to discharge any loan advanced by Government.

(2) Upon such transfer the loan advanced by the Government shall stand reduced by the amount of the market value of the land so transferred plus the amount of charges on the establishment for its maintenance and development.

(3) The Board may lease, sell or otherwise dispose of any land vesting in it subject to such terms and conditions governing the Housing Scheme concerned or as may be determined by the Board in each particular case.

10. Conditions of occupation of Housing Accommodation :-

The occupation by any employee of any housing accommodation provided by the Board shall be subject to the following conditions, namely.

(a) The employee shall pay monthly rent at such rates as may be fixed from time to time by the Board;

(b) He shall pay such increase in the said monthly rent and other charges as the Board may consider it fit or expedient to impose on account of any increase in rates, taxes, cesses or other service

(c) He shall not allow any refuse to collect in or near the premises and shall keep the said premise and the outer space, and adjacent streets in a clean neat and tidy condition, to the entire satisfaction

of the Board;

(d) He shall not make any addition or alterations to the said premises without the previous written permission of the Board. All the alterations and additions (including the fixtures) shall become the property of the Board and upon the termination of the occupancy, the occupant shall not be entitled to remove the same or in case of non-removal to claim any compensation in respect thereof: Provided that the Board shall have the full right to call upon the employee at his expense to remove any such alteration or addition and to restore the said premises to the same condition in which they were at the date of the commencement of the occupation;

(e) He shall not assign, sublet or otherwise transfer the possession of the premises or any part thereof;

(f) He shall not keep or store upon the premises any articles of a combustible or dangerous nature, nor keep any animal or poultry either in the premises or in the compound around it, if any;

(g) He shall allow the Board or its Officers, agents or servants or any other person duly authorised by the Board to enter upon and inspect the premises and to carry out such additions and alterations of work on the premises as may be necessary in the interest of the premises, in the general interest of any of the occupants of houses located in the area or generally in the interest of general management, on any day between sun-rise and sun-set or at any other time if the Board or its Officers, servants or agents, or the persons so authorised consider it necessary to do so;

(h) He shall not cut, lop, or injure trees or large shrubs nor pluck any fruits or flowers, from the trees standing in the compound or the street;

(i) He shall at the end of the occupancy or earlier on determination of occupancy peaceably and quietly yield up possession of the premises to the Board in the same condition in which it was at the commencement of the occupancy, reasonable wear and tear being excepted. The question as to what is the reasonable wear and tear shall be decided by the Board and the decision of the Board shall be final and binding. The occupant shall make good the loss or damages, if any, that might have been caused to the premises and the Board shall be entitled to adjust the same from the advance of rent, if available;

- (j) He shall pay the stamp and registration charges payable in respect of any document to be executed in favour of the Board;
- (k) He shall use and occupy the premises for the purposes of residence only by himself and by the members of his family, and as and whenever required by the Board, furnish full information about the relationship, age and monthly income and such other particulars as the Board may require in respect of all the persons residing with him in the premises;
- (l) He shall not be entitled to claim any damage from the Board for the loss, if any, caused by fire or accident or any other reason during his occupation;
- (m) He shall not use the premises for purposes other than residential, and shall not use it in such a manner as to cause any inconvenience, nuisance or annoyance to the adjoining occupants or neighbours. The decision of the Competent Authority as to whether any act causes such nuisance or not shall be final and binding on him;
- (n) He shall not allow water from any tap to run to waste and shall not throw water or any other thing out of the premises and shall not use or allow to be used bathrooms or any part of the tenement as a latrine or urinal;
- (o) If he or any person of his family authorised to occupy the premises ceases to occupy the premises for a continuous period of 14 days without the previous permission in writing of the Board, the permission to occupy shall cease forthwith;
- (p) If and whenever the monthly rent fixed under condition (a) or any part thereof shall be in arrears, the same shall be recoverable by the Board as arrears of land revenue and if such rent or any part thereof shall be in arrears, for a period of two months whether the same shall have been legally demanded or not, or if and whenever there shall be breach of any other provision herein contained the right of occupancy shall be deemed to be determined and the Board may thereupon re-enter the premises;
- (q) If he commits breach, of any of the provisions contained in conditions (a) to (p) he shall for such period during which such breach is continued also be liable to pay enhanced rent in respect of the said premises at such rate as the Board may from time to

time determine;

(r) The amount of advance rent paid by him, if not forfeited for breach of any of the conditions shall be refunded to him after the termination of the occupancy if he shall have duly paid all the rents and fulfilled all the terms herein contained and after deductions of any sums which may be due and payable by him to the Board and in case the dues of the Board exceed the amount of such advance if he undertakes to pay the same immediately. In the event of any deduction of any sum from the said advance during the continuance of the occupation, he shall forthwith on demand pay the amount so deducted and shall throughout the period of occupancy maintain the amount of advance. The advance shall be in cash and shall bear no interest;

(s) Any matter to be decided by the Board may be decided by, and any notice, permission or consent to be given by the Board may be given by, the Competent Authority for the time being or any other Officer duly authorised by the Board and any communication signed by the said Competent Authority or other Officer duly authorised by the Board and addressed to him and sent by registered post or left at the said premises or tendered personally or affixed to any conspicuous part of the said premises shall be considered to be sufficient service;

(t) The occupancy may be terminated by either side giving to the other one months notice in writing. If the occupant leaves the premises without giving such notice he shall be liable to pay one month's rent in lieu of such notice and all other charges due from him as provided herein for the notice period;

(u) If the said premises have been licensed to be occupied by him at a subsidised rent by reason of his being an industrial worker governed by Section 2(1) of the Factories Act, 1948, the license shall cease forthwith as soon as he ceases to be an industrial worker;

(v) The occupancy shall be subject to the provision of the Act, the rules, the regulations and the bye-laws framed thereunder;

(w) He shall be bound by changes in or addition to the aforesaid conditions provided that such changes are made after he is given notice thereof;

(x) He shall execute an agreement on appropriate stamp paper

incorporating the above conditions;

(y) He shall be subject to eviction from the Board premises for breach of any of the conditions of occupation under the provisions of the Act.

11. Notices :-

1

(1) A show Cause Notice under proviso to sub-section (1) of Section 45 shall be in Form IV.

(2) Final notice under sub-section (1) of Section 45 be in Form IV-A.

(3) A Notice under sub-section (1) of Section 46 shall be in Form V.

(4) A notice under sub-section (2) of Section 46 shall be in Form VI.

1. Rule 11 substituted by GSR 322, dated 18-7-1967.

11A. Procedure in appeals :-

1

(1) An appeal preferred under Section 48 of the Act shall be in writing, shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of such order.

(2) On receipt of the appeal and after calling for and perusing the record of the proceedings before the Competent Authority, the Appellate Officer

1. Rule 11-A inserted by GSR 322, dated 18-7-1967.

12. Procedure for taking possession :-

(1) For the purpose of taking possession of the premises under Section 45, the Competent Authority may after issuing the notice required in the said section and after affording reasonable opportunity to the occupant of being heard, enter the premises at any time except before sun-rise or after sun-set.

(2) The Competent Authority may, for purposes of entry under sub-rule (1) break open any lock and take possession of any articles found in the premises in the presence of witnesses, if the person concerned refuses to take possession of such articles.

(3) When the articles are taken possession of under sub-rule (2) a notice shall be issued to the occupant to receive the said articles after paying such custody charges as the Competent Authority may fix in each case.

(4) If the person to whom a notice is issued under sub-rule (3) fails to take possession, the Competent Authority may sell the articles by public auction and hold the proceeds thereof in deposit at the credit of the person concerned.

13. Assessment of damages for un-authorized occupation :-

(1) In assessing damages for unauthorised occupation of any premises belonging to the Board, the Competent Authority shall take into consideration the following matters namely.

(a) the purpose and the period for which the Board premises were in unauthorised occupation

(b) the nature, size and standard of the accommodation available on such premises;

(c) the rent that would have been realised if the premises had been let out for the period of unauthorised occupation;

(d) any damage done to the premises during the period of unauthorised occupation;

(e) any other matter which in the opinion of the Competent Authority is relevant for the purpose of assessing the damage.

(2) Before assessing the damage the Competent Authority shall give the person in unauthorised occupation an opportunity of being heard

14. Preparation and maintenance of Accounts :-

1

(1) The forms and registers prescribed under the Karnataka Public Works Accounts Code shall be adopted to the extent that they are not inconsistent with the provisions of the Karnataka Housing Board Act and Rules for maintaining the accounts of the Board in respect of lands and buildings constructed by the Board. In respect of other transactions of the Board, the forms and registers prescribed by the Karnataka Financial Code, 1958, and Manual of Contingent Expenditure shall be adopted to the extent that they are not inconsistent with the provisions of the Karnataka Housing Board Act

and Rules.

(2) The Board shall publish its annual statement of Receipts and Expenditure, in the Karnataka Gazette, and shall make available copies of the said accounts for sale at such rates as it may fix from time to time.

1. Sub-rule (1) of Rule 14 substituted by GSR42, dated 25/28-1-1978.

15. Fixation of Rent :-

(1) The rent in respect of housing accommodation provided by the Board to an employee under Section 59 shall be fixed taking into consideration.

(i) the capital cost of the building;

(ii) the cost of maintenance;

(iii) the Municipal taxes payable;

(iv) Charges for Water supply and Electricity; and

(v) Periods during which the premises remain vacant.

(2) The rate of rent may be revised from time to time by the Board.

16. Registers regarding Rent paid by Employer :-

(1) Every employer for whose employees housing accommodation has been provided by the Board shall maintain a register in Form VII showing details of all deductions made under clause (ii) of sub-section (5) of Section 59.

(2) The entries in such registers shall be verified by an Officer or an Inspector of the Housing Board in respect of every month and shall bear his signature in token of such verification.

17. Manner of Payment of Rent :-

All rents paid to the Board shall be remitted to the Board by Postal Money Order, cheque or by crediting to a Treasury or Bank authorised to receive payment as may be intimated by the Board.

18. Standard of Accommodation :-

(1) Whenever an employer provides housing accommodation for his employees after the commencement of the Act, the size of each

building shall be in accordance with the specifications is mentioned in Form VIII.

(2) The Housing accommodation shall be provided in areas free from insanitary condition prejudicial to public health.

(3) Each Unit of labour houses shall consist of a front verandah with a pial, a hall, a bed room, a kitchen, a bath and a lavatory.

(4) The accommodation provided shall be subject to inspection by the Officers of the Board from time to time and the employer shall comply with such directions as the said Officers may give regarding the maintenance of the accommodation.

19. Returns to be furnished by the employers :-

Every employer shall furnish to the Board or to such Officers as the Board may authorise in this behalf, the following returns, namely.

(i) a list of all the houses provided by him to his employees and which have been approved by the Board as being in good habitable condition;

(ii) the number of employees in respect of which no housing accommodation is provided;

(iii) the details of the deductions made from the wages of his employee in respect of rent payable under Section 59.

20. Returns to be furnished by the Board :-

The Board shall submit to Government the following returns, namely.

(i) Quarterly Progress Reports under the several Housing Schemes in such form as may be laid down by Government from time to time;

(ii) Annual Progress Reports under the several Housing Schemes;

(iii) Demand, collection and balance of rent and loan;

(iv) Copies of the minutes of the Board;

(v) Annual statement of Receipts and Expenditure.

21. Annual statement to be Published :-

The Annual statement of receipts and expenditure of the Board shall be published in the Karnataka Gazette. Copies of the said account will be sold at such rates as may be fixed by the Board

from time to time.

22. Supersession of the Board :-

(1) Before an order superseding the Board is passed under subsection (2) of Section 86, the Government shall give the Board an opportunity of being heard and shall specify in the order the reasons for making the order and the date from which the supersession shall take effect.

(2) A copy of the order of supersession shall be served on the Chairman and the members of the Board.

(3) Upon an order of supersession being made the Chairman and all other members of the Board shall as from the date specified in the order vacate their Offices.