

THE SIKKIM HOUSING AND DEVELOPMENT BOARD ACT, 1979.

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**THE SIKKIM, HOUSING AND DEVELOPMENT
- BOARD ACT, 1979
ACT NO. 20 OF 1979
AN
ACT**

to provide for the constitution of a housing and Development Board for Sikkim and for matters connected therewith or incidental thereto;

[13th November, 1979]

WHEREAS it is expedient to make provisions for the constitution of a Housing and Development Board for Sikkim and for matters connected therewith or incidental thereto;

It is hereby enacted in the Thirtieth Year of the Republic of India by the Legislature - of Sikkim as follows;

**CHAPTER I
Preliminary**

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|--------------------------------------|----|--|
| <i>Short title and commencement.</i> | 1. | <p>(1) This Act may be called the Sikkim Housing and Development Board, Act, 1979.</p> <p>(2) It shall come into force at once.</p> |
| <i>Definitions.</i> | 2. | <p>In this Act unless there is anything repugnant in the subject or context;</p> <p>(1) "Board" means the Sikkim Housing and Development Board constituted under section 3</p> <p>(2) "Board premises" means any premises belonging to or vested in the Board or taken on lease by the Board or entrusted to the Board, for management and use, for the purpose of this Act;</p> <p>(3) "building materials" means such commodities or articles as are specified by the State Government by notification in the Official Gazette to be building materials for the purposes of this Act;</p> <p>(4) "bye-laws" means bye. laws, made by the Board under section 36;</p> |

- (5) "Chairman" means the Chairman of the Board;
- (6) "Corporation" means the Municipal Corporation of Gangtok;
- (7) "housing scheme" means a housing scheme made under this Act;
- (8) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (9) "Land Acquisition Act" means the Land Acquisition Act, 1894 or the Sikkim Land (Requisition and Acquisition) Act, 1977;
- (10) "member" means a member of the Board and includes the Chairman;
- (11) Municipality means the Gangtok Municipal Corporation;
- (12) "premises" means any land or building, or part of a building and includes;
 - (i) gardens, grounds and out-houses, if any, appurtenant to such building or part of a building, and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (13) "prescribed" means prescribed, by rules made under this Act;
- (14) "regulations" means regulations made by the Board under section 35;
- (15) "rules" means rules made by the State Government under section 34;
- (16) "Secretary" means the Secretary. Sikkim Housing and Development Board appointed under section 6
- (7) "year" means the year commencing on the 1st day of April and ending on the 31st day of March. -

CHAPTER I I
Establishment of the Board

- . Constitution of the Board.* 3.
- (1) The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Board by the name of the Sikkim Housing and Development Board.
 - (2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued its corporate name and shall be competent to acquire and hold property both movable and immovable, enter into contract and do all things necessary for the purposes of this Act.
 - (3) For the purposes of this Act and the Land Acquisition Act the Board shall be deemed to be a local authority.
- Members of the Board.* 4.
- (1) The Board shall consist of a Chairman who shall be the Minister-in-Charge of the Local Self Government and Housing Department of the State Government and the following other members, that is to say,
 - (i) Secretary, Finance Department.
 - (ii) Secretary, Local Self Government & Housing Department.
 - (iii) Secretary, Panchayat & Rural Works Department.
 - (iv) Development Commissioner.
 - (v) Chief Engineer, Sikkim Public Works Department.
 - (VI) Secretary, Sikkim Housing and Development Board.
 - (2) Whenever for any reason there is a temporary vacancy in the Office of the Chairman or if the Chairman is, due to infirmity or otherwise, unable to carry out his duties, the State Government may appoint a person to act as Chairman for such period as may be necessary and while so acting the person so appointed shall be deemed to be the Chairman for all purposes of the Act.

- (3) Every member, other than the Chairman, shall receive such allowances, if any, as may be prescribed,

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

Proceedings presumed to be good and valid.

6. (1) The Board shall have a Secretary, who shall be the Chief Executive Officer and one or more Assistant Secretaries, and such other officers and employees as the Board may consider necessary for the efficient performance of its functions.

Officer and other staff.

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

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

7. (1) The Secretary and other officers shall perform such duties as may be assigned to them by the Board.

Powers and duties of the Secretary and other officers.

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

8. (1) The Board shall take over and employ such staff of the State Government in the Housing and other Departments as the State Government may make available and every person so taken over and employed shall be subject to the provisions of this Act and the rules and bye-laws made there under:

Employment of staff of the State Government.

Provided that during the period of such employment any matters relating to the pay, allowances, leave, retirement, pensions, provident fund and all other terms and conditions

of service of the members of the said staff shall be regulated by the Sikkim Service Rules or such other rules on the subject as may from time to time be made by the State Government.

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

Meetings of the Board.

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

- (a) an ordinary meeting shall be held at least once in every two months;
- (b) the Chairman, may, whenever he thinks fit, call a special meeting;
- (c) the quorum for every meeting shall be four:
Provided that when a meeting has been adjourned to another date for want of quorum no quorum shall be necessary in the case of the adjourned meeting;
- (d) every meeting shall be presided over by the Chairman and in the absence of the Chairman by any member chosen by the members present;
- (e) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote;
- (f) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

Execution of contracts.

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

Provided that

- (a) no contract involving; an expenditure of rupees five lakhs or more shall be made without the previous sanction of the State Government;
 - (b) and contract involving expenditure up to rupees fifty thousand may, in case of urgency, be made by the Chairman without the previous sanction of the Board but shall be referred to the Board at the earliest opportunity.
- (2) Sub-section (1) shall apply to every variation or abandonment of a contract as well as to an original contract.

11. Subject to any rule which the State Government may make in this behalf,' the Board may by order direct that the power to sign a contract shall be exercisable also by the Secretary or any other officer specified by it in the order.

Delegation of Board's power to sign contracts.

CHAPTER III Housing Schemes

12. (1) Subject to the provisions of this Act, the Board may, from time to time, incur expenditure, and undertake works for the framing and execution of such housing schemes in relation to lands and buildings vested in or in the possession of the State Government.

Powers and duties of Board to undertake housing schemes.

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

(3) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme, on behalf of a local authority or co-operative society, or on behalf of an employer, for building. house property, mainly for the residence of the employees of such local authority, co-operative society or employer or for the residence of the members of such co-operative society, as the case may be.

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

Matters to be provided for by housing schemes.

- (a) the acquisition by purchase, exchange or otherwise of any property necessary for the scheme;
- (b) the construction and reconstruction of buildings;
- (c) the sale, letting out or exchange of any" property included in the scheme;
- (d) the roads, drainage, water-supply, lighting, schools, hospitals, dispensaries, market places, parks, play grounds and open spaces within a housing scheme;
- (e) the reclamation or reservation of land for markets, gardens, schools, dispensaries, hospitals, and other amenities in a housing scheme;
- (f) the letting out, management and use, of the Board premises;
- (g) accommodation for any class of inhabitants;
- (h) the advancing of money for the purpose of the scheme;
- (i) the collection of such information and statistics as may be necessary for successful implementation of the scheme, development of any urban or rural area for successful implementation of housing schemes and for purposes ancillary or incidental thereto;
- (j) any other matter for which, in the opinion of the Board or the State Government, it is expedient to make provision with a view to providing housing accommodation and to improving or developing of any area included in a housing scheme.

Submission of Budget to Board.

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

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

- (i) the housing schemes which the Board proposes to execute whether in part or in whole during the next year;
- (ii) the due fulfillment of all the liabilities of the Board; and'
- (Hi) the efficient administration of this Act, and shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts' for the next year, and such other particulars as) may be prescribed.

15. The Board shall consider the budget laid' before it and sanction it with or without modification.

Board's sanction to Budget.

16. (1) Every budget sanctioned by, the Board shall be submitted to the State Government for approval. Within such time as may be prescribed, the State Government may approve the budget as sanctioned by the Board or return it to the Board. '

Board's submission of Budget to State Government for approval.

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

17. The Chairman may, at any time during the year for: which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of section 14, 15 and 16 shall apply to such supplementary budget.

Supplementary budget.

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

Publication and execution of housing schemes.

19. The Board may at any time vary any housing scheme or any part thereof included in the budget approved by the State Government:

Variation of housing schemes.

Provided that no such variation shall be made except with the "approval of the State Government if it involves an expenditure in excess of ten per cent of the amount as included in the budget approved by the State Government for the execution of any housing scheme.

Transfer of open space to local authority.

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

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

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

duties of the Board. *Other*

21. (1) The Board shall take necessary measures to maintain, allot, lease, sell or otherwise use the Board premises in. such manner as it may decide and shall collect rent price, compensation and damages in respect thereof.

- (2) The Board may
- (i) provide technical advice to the State Government and scrutinize projects under housing schemes when required by the State Government to do so;
 - (ii) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions;
 - (iii) undertake comprehensive surveys on problems of housing;
 - (iv) do all things for

- (a) unification, standardization of simplification, building materials;
- (b) encouraging pre-fabrication and mass production of house components;
- (c) organizing or undertaking the production of building materials for residential or non-residential houses;
- (d) securing a steady and sufficient supply of workmen trained in the work of construction of buildings and for the manufacture of building materials.

(3) Subject to such rules as may be made in this behalf, the Board may, from time to time, appoint one or more Committees or invest any local or other authority for the purpose of discharging or performing such duties or functions of an executive or administrative' nature as it may delegate to such Committee of local or other authority and any such Committee or local or other authority may discharge such duties or may perform such functions accordingly:

22. The state Government may, by general or special order published in the Official Gazette, exempt, subject to such conditions, if any, as it may impose, any housing scheme undertaken by the Board from all or any of the provisions of this Act or direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

Power to exempt schemes from provisions of this Act.

CHAPTER IV

Acquisition and disposal of land

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

Power to purchase or lease by agreement.

Provided, that the amount to be paid for the loss or deprivation caused shall not exceed the market value of the land prevailing on the first date of negotiation in respect of the transaction.

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

CHAPTER V

Finance, accounts and audit

Transfer of assets to the 'Board.

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

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

Board's Fund.

25 (1) The Board shall have a fund to be called the Housing and Development Board Fund.

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

(3) The State Government may every year make a grant to the Board of the amount required to meet the administrative expenses of the Board.

(4) All moneys received by or on behalf of the Board, all proceeds of sale of land or any other property, betterment charges and all interest, profits and other moneys securing to the Board shall be deposited in the fund of the Board.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of Sikkim.

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

26. All property, fund and all other assets vested in the Board shall be held and applied by it, subject to the provision and for the purpose of this Act.

Application of the Fund.

27. (1) Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year,

Expenditure in case of urgency.

- (a) recurring expenditure not exceeding fifty thousand rupees.
- (b) non-recurring expenditure not exceeding two, lakhs of rupees.

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

28. (1) The State Government may from time to time make" subventions to the Board for carrying out the purposes of this Act on such terms and conditions as the State Government may determine.

Subvention and loan to the Board.

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

Power of Board to borrow.

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

(2) The rules made by the State Government may empower the Board to; borrow by the issue of debentures and to make arrangements with bankers.

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

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

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

Accounts and audit.

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

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

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

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

31. (1) notwithstanding anything contained in section 30, the State Government may order that there shall be a concurrent audit of the accounts' of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

Concurrent and special audits of accounts.

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

CHAPTER VI Miscellaneous

32. The Chairman or any person either generally or specially authorized by the Chairman in this behalf may, with or without assistance of workmen, enter into or upon any land in order

Power of entry

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

when it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned there. under:

Provided that~

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

(ii) no dwelling house and no public building which is used as a dwelling place shall be so entered, unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;

(iii) sufficient notice shall in every instance be given to enable the female inmates of any apartment to remove themselves to some part of the premises where their privacy will not be disturbed;

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

Notice of suit against the Board.

33. No person shall commence any suit against the Board or against any officer or employee of the Board, or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Act without giving to the Board, officer or employee or person two months' previous notice in writing of the intended suit and of the cause thereof.

Power to make rules.

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

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

- (a) the allowance of members;
- (b) the manner and form in which contract shall be entered into under sub-section (1) of section 10
- (c) the form of the annual budget to be laid, before the Board under section 14 and the other particulars to be contained therein;"

- (d) the time within which the State Government may approve or return the budget to the Board under sub-section (I) of section 16;
- (e) the manner of publication of the housing scheme included in the budget under section 18;
- (f) the terms and conditions on which assets of the State Government may be transferred to the Board under section 24;
- (g) the conditions subject to which the Board may borrow~any sum under section 29;
- (h) the manner of preparation, maintenance and publication of accounts under section 30;
- (i) any other matter which is to be or may be prescribed under this Act:

35. (1) The Board may, from time to time, with the previous sanction of the - State Government make regulations consistent with this Act and with any rule made under this Act.

Regulations

- (2) Such regulations may provide for
 - (a) the management and use of buildings constructed under any housing scheme;
 - (b) the principles to be followed in allotment of tenements and premises;
 - (c) regulating its procedure and the disposal of its business;
 - (d) the conditions of service of the employees of the Board other than those taken over and employed under sub-section (1) of section 8.

(3) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make or amend any regulation made under sub-section

(1), it may call upon the Board to make *or* amend such regulation. within such time as it may specify. If the Board fails to make such regulation *or* amendment within the time specified, the State Government may itself make such regulation *or* amendment and the regulation *or* the amendment so made shall be deemed to have been made by the Board under subsection (1).

Power to make bye laws.

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

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

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

Penalty for contravention of bye laws.

37. Whoever contravenes a bye law made under section 36 shall, on conviction, be punished with imprisonment *for* a term which may extend *to* six months *or* with fine which may extend to one thousand rupees or with both.

Penalty for obstructing etc.

38. If any person

- (a) obstructs, or molests any person with whom the Board has entered into a contract, in the performance or execution of his duty or of anything which he is empowered *or* required to do under this Act, *or*
- (b) removes any mark set up *for* the purpose of indicating any level or direction necessary *to* the execution of works authorized under this Act,

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

Authority for prosecution.

39. Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable under this Act 'except.

on the complaint, of or upon information received from the Board or some person authorized by the Board by general or special order in this behalf.

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

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

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

*Protection of action
taken under this Act.*

42. (1) The Sikkim Housing and Development Board Ordinance, 1979 (Ordinance No.4 of 1979) is hereby, repealed.

Repeal and Savings

(2) Notwithstanding such repeal, anything done, or any action taken in the exercise of the powers conferred by or under that ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or such action was taken.

(AMENDMENT) ACT, 1985

(ACT NO.3 OF 1985)

AN ACT

[23-6-85;]

to amend the Sikkim Housing and Development Board Act, 1979.

WHEREAS it is expedient to amend the Sikkim Housing and Development Board Act, 1979;

It is hereby enacted in the Thirty-sixth Year of the Republic of India by the Legislature of Sikkim as follows:

1. (1) This Act may be called the Sikkim Housing and Development Board (Amendment) Act 1985. *Short title and commencement*
- (2) It shall be deemed to have come into force on the 22nd day of April, 1985.
2. In the Sikkim Housing and Development Board Act, 1979, in section 4. in sub-section (1), after the words "State Government"; and before the words "and the following", the words "or any other person so appointed by the State Government" shall be and shall be deemed always to have been inserted. *Amendment of section 4. 4 of 1979.*

3. (1) The Sikkim Housing and Development Board: (Amendment) Ordinance, 1985 (No.1 of 1985) is hereby repealed. *Repeal, and Savings.*
- (2) Notwithstanding such repeal, anything done or any action taken in the exercise of the powers conferred by or under that Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or such action was' taken.

SIKKIM

GOVERNMENT



GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

Gangtok ,

Saturday 1st July, 2000

No . 227

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

No.15/LD/2000

Dated : 30/06/2000

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 28th day of June , 2000 is hereby published for general information:-

THE SIKKIM HOUSING AND DEVELOPMENT BOARD (AMENDMENT ACT , 2000) (Act No. 15 of 2000) AN ACT

Further to amend the Sikkim Housing and Development Board Act, 1979.

Be it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act maybe called the Sikkim Housing and Development Board Amendment Act, 2000
(2) It shall come into force from the date of its publication in the Official Gazette

Amendment of Section 2.

2. In section 2 of the Sikkim Housing and Development Board Act, 1979 (hereinafter referred to as the principal Act).
(a) in clause (7) after the word "Act" , the words " and includes residential , rental, commercial and cash loan housing schemes "shall be inserted".
(b) after clause (16) , the following clause shall be inserted, namely:-
“(16 (a)) "State Government" means the Government of Sikkim.”

Amendment of Section 3

3. In section 3 of the principal Act, for sub-section (3) , the following sub-section shall be substituted namely:-

“(3) The Board shall be deemed to be local authority for the purposes of this Act, the Land Acquisition Act, the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1988.

Amendment of section 4

4. In section 4 of the principal Act, in sub-section (1)

(a) for the words “Local Self Government and Housing Department”, the words “Urban development and Housing Department” shall be substituted:-

(b) for clauses (ii) (iii), (iv), (v) and (vi) , the following clauses shall be substituted namely:-

(ii) Secretary, Urban Development and Housing Department.

(iii) Secretary , Rural Development Department.

(iv) Commissioner –cum-secretary , Planning and Development department.

(v) Principal Chief Engineer –cum- secretary, Building and Housing Department.

(vi) Secretary , Sikkim Housing and Development Board.

(vii) Any other professional, technical or eminent person whose expert experience may be useful to the Board to be nominated by the Government for such time as may be specified in this behalf.”

Amendment Of section 6.

5. In section 6 of the principal Act.

(a) In the proviso to sub-section (2) , for the words, “the maximum of the exceeds one thousand rupees a month”, the words “which exceed lowest scale payable to a Group B Employee of the State Government “ be and shall always be deemed to have been substituted;

(b) after sub-section (2), the following sub-section shall be inserted, name “(3) The pay, allowances leave and other benefits of the employees of Board shall be regulated by the rules relating to such pay, allowances , leads and other benefits framed by the State Government for its employees from time to time or any other rules as may be framed and adopted by the Board.

Amendment Of section 8

6. In section 8 of the principal Act , after sub-section (2), the following sub-section shall be inserted , namely:

(3) “Subject to the provisions of sub-section (1), no officer or other employees except the Secretary of the Board, shall be appointed or deputed by the State Government , without the consent of the Board. The Board shall have right not to accept the appointment or deputation of any officer and staff made by the State Government without the consent of the Board.”

Amendment Of section 9 7. In section 9 of the principal Act, in clause (a), for the word “two” the word “three” shall be substituted.

Amendment Of section 10 8. In section 10 of the Principal Act.
(a) in the proviso to sub section (1)
i. in paragraph (a), for the words “five Lakhs” the words “fifty lakhs” shall be substituted;
ii. in paragraph (b), for the words “fifty thousand”, the words “five lakhs” shall be substituted.
(b) In sub-section (2), after words “original contract”, the words “subject to adherence for overall limits of variation within the Scheme as provided under the proviso to section 19 of this Act” shall be added.

Amendment Of section 12 9. In section 12 of the principal Act.
(a) In sub-section (1) after the words “State Government”, the words “including implementation of cash loan schemes and may also incur expenditure for such housing scheme on any other land as the State Government may deem fit”.
(b) In sub-section (3), the words “and with the previous approval of the State Government shall be deleted and after the words “as the case may be”, the words “or any other commercially profitable construction Scheme on a turnkey basis” shall be added.

Amendment Of section 13 10. In section 13 of the Principal act:-
(a) in clause (f), after the words “board premises”, the words “including for commercial purposes to generate revenue of the Board”, shall be added;
(b) for clause (h) the following clause shall be substituted, namely:-
“(h) borrowing and advancing of money for the purpose of repair and construction of individual houses.”

Amendment Of section 19 11. In the proviso to section 19 of the principal Act, for the words “ten percent”, the words “fifteen percent” shall be substituted.

Amendment Of section 21 12. In section 21 of the principal Act;
(a) for the marginal heading “other duties of the Board”, the marginal heading “other powers and duties of the Board” shall be substituted.
(b) in clause (iv) of sub-section (2),
(i) in sub-section (c), the words “for residential or non-residential houses” shall be deleted;
(ii) for sub clause (d), the following sub-clause shall be substituted, namely:-
“(d) undertaking training of unskilled and semi-skilled persons for deployment in the construction industry through Palika Karigar Kendras and or Building Centres”;

- (c) after clause (iv), the following clause shall be inserted, namely:-
- (v) render techno-economic consultancy including approval, planning and designing services in respect of construction Scheme on commercial consideration;
- (vi) undertake or associate with specific infrastructure development project like town planning and creation if called upon to do so;
- (vii) manufacture and self of building materials through Building Centres;
- (viii) enter, with prior approval of the State Government, into joint sector agreements which are commercially viable and beneficial for the people of the State of Sikkim;
- (ix) invest suitably any surplus land in any Nationalised Bank and other Government undertakings within India so as to achieve assured returns without impairing the liquidity of the Board.”

**Amendment
Of section 23.**

13. In section 23 of the principal Act, after sub-section (2), the following sub-section shall be inserted namely:-
- “(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) but subject to the provisions of the Land Acquisition Act, if the State Government is of the opinion that the land outside the State is required to be acquired for undertaking a Scheme that would be beneficial to the State, it may direct the Board to take steps to acquire the same in accordance with the direction as the State Government may pass in this behalf”.

**Amendment
Of section 25.**

14. In section 25 of the principal Act, for sub-section (5) the following sub-section shall be substituted, namely:-
- “(5) 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 Sikkim, or in any other Nationalised Bank operating in Sikkim. Provided that nothing contained in this sub-section shall prejudice the decision of the Board to invest any surplus fund in the manner specified in clause (ix) of sub-section (2) of section 21”.

**Amendment
Of section 27.**

15. In section 27 of the principal Act, in Sub-section (1):-
- (a) after the words “in any year” the words “though not provided for in the approved annual budget” shall be added;
 - (b) in clause (a) and (b), for the words “fifty thousand rupees” and “two lakhs rupees”, the words “two lakhs fifty thousand rupees” and “ten lakhs rupees” shall, respectively be substituted

**Amendment
Of section 30**

16. In section 30 of the principal Act:-
- (a) for sub-section (1) and sub-section (2) the following sub-section shall be substituted, namely:-

“(1) The Board shall cause to be maintained proper book of accounts and records in such forms and manner as maybe prescribed or as per the accounts manual to be adopted by the Board by resolution to this effect in the manner of commercial pattern of accounting.

(2) The Board shall cause its accounts to be audited annually by an Auditor to be appointed by the Board from amongst the Chartered Accountants empanelled by the State Government . the auditor so appointed shall have the right to demand the production of books, accounts , vouchers, documents and all other papers relating to accounts or otherwise , and to inspect any of the offices of the board”.

(b) after sub-section (2) , the following sub-section, shall be inserted, namely:-

“(a) The Auditor of the Board shall examine each balance sheets and profit and loss account and state whether they represent a true and fair position of assets and liabilities of the Board in the case of the former and of the result from operations during the period covered in the case of the latter”

Amendment

Of section 35

17. In section 35 of the Principal Act, in sub-section (2), for clause (b) , the following clause shall be substituted, namely:-

(b) the principles and terms and conditions in allotment of tenements and premises and in the grant of housing loan”.

By order of the Governor,

T.D.Rinzing
Secretary to the Govt. of Sikkim
Law Department,
F.No. 16(82)/LD/2000

- (iv) any other matters necessary for proper implementation and enforcement of this Act.
- (3) Any rules under this section may be made so as to be retrospective from any date not earlier than the date of commencement of this Act.

7. If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or all to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Speaker of the Assembly, who shall in consultation with the State Government, decide the question and such decision of the Speaker shall be final.

Decision on questions relating to pensions.

THE SIKKIM HOUSING AND DEVELOPMENT BOARD

(AMENDMENT) ACT, 1985

(ACT NO.3 OF 1985)

AN ACT

[23-6-85;]

to amend the Sikkim Housing and Development Board Act, 1979.

WHEREAS it is expedient to amend the Sikkim Housing and Development Board Act, 1979;

It is hereby enacted in the Thirty-sixth Year of the Republic of India by the Legislature of Sikkim as follows:

1. (1) This Act may be called the Sikkim Housing and Development Board (Amendment) Act 1985.

Short title and commencement

(2) It shall be deemed to have come into force on the 22nd day of April, 1985.

2. In the Sikkim Housing and Development Board Act, 1979, in section 4. in sub-section (1), after the words "State Government"; and before the words "and the following", the words "or any other person so appointed by the State Government" shall be and shall be deemed always to have been inserted.

Amendment of section 4. 4 of 1979.

3. (1) The Sikkim Housing and Development Board: (Amendment) Ordinance, 1985 (No.1 of 1985) is hereby repealed.

Repeal, and Savings.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of the powers conferred by or under that Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or such action was taken.

THE SIKKIM (LIVESTOCK AND LIVESTOCK PRODUCTS CONTROL) ACT, 1985.

(ACT NO.4 OF 1985)

AN ACT

28-6-85

to provide, in the interests of the general public, for entry of healthy livestock into the State of Sikkim for slaughtering and consumption by the general public, for regulating hygienic conditions in places where livestock are slaughtered, to maintain regular supply at reasonable prices of meat to the general public, to maintain regular and continuous supply of hides and skins for the development of leather and allied industries in the State of Sikkim and for matters connected therewith or incidental thereto.

WHEREAS many places in Sikkim being located on high altitudes have cold climate where meat is consumed in large quantities;

AND WHEREAS in the interests, of the general public it is necessary to ensure regular supply of healthy livestock for human consumption and also to ensure the hygienic conditions" in places where livestock is slaughtered as also to maintain regular supply of meat at reasonable prices to the general public;

AND WHEREAS there is large potential for developing, leather and, allied industries. in the State of Sikkim for which regular and continuous supply 'of good hides and skins and other livestock is necessary at reasonable prices.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-sixth Year of the Republic of India as follows, namely:

(1) This Act may be called the Sikkim Livestock and Livestock Products Control Act 1985.

Short title, extent and commencement.

(2) It extends to the 'whole of Sikkim

(3) It shall come into force at once.

SIKKIM

GOVERNMENT



GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

Gangtok ,

Saturday 1st July, 2000

No . 227

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

No.15/LD/2000

Dated : 30/06/2000

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 28th day of June , 2000 is hereby published for general information:-

THE SIKKIM HOUSING AND DEVELOPMENT BOARD (AMENDMENT ACT , 2000) (Act No. 15 of 2000) AN ACT

Further to amend the Sikkim Housing and Development Board Act, 1979.

Be it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows:-

- | | |
|-------------------------------------|--|
| Short title and commencement | 1. (1) This Act may be called the Sikkim Housing and Development Board Amendment Act, 2000 (2) It shall come into force from the date of its publication in the Official Gazette |
| Amendment of Section 2. | 2. In section 2 of the Sikkim Housing and Development Board Act, 1979 (hereinafter referred to as the principal Act). (a) in clause (7) after the word "Act" , the words " and includes residential , rental, commercial and cash loan housing schemes "shall be inserted". (b) after clause (16) , the following clause shall be inserted, namely:- “(16 (a)) “State Government” means the Government of Sikkim.” |

Amendment of Section 3

3. In section 3 of the principal Act, for sub-section (3) , the following sub-section shall be substituted namely:-

“(3) The Board shall be deemed to be local authority for the purposes of this Act, the Land Acquisition Act, the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1988.

Amendment of section 4

4. In section 4 of the principal Act, in sub-section (1)

(a) for the words “Local Self Government and Housing Department”, the words “Urban development and Housing Department” shall be substituted:-

(b) for clauses (ii) (iii), (iv), (v) and (vi) , the following clauses shall be substituted namely:-

(ii) Secretary, Urban Development and Housing Department.

(iii) Secretary , Rural Development Department.

(iv) Commissioner –cum-secretary , Planning and Development department.

(v) Principal Chief Engineer –cum- secretary, Building and Housing Department.

(vi) Secretary , Sikkim Housing and Development Board.

(vii) Any other professional, technical or eminent person whose expert experience may be useful to the Board to be nominated by the Government for such time as may be specified in this behalf.”

Amendment Of section 6.

5. In section 6 of the principal Act.

(a) In the proviso to sub-section (2) , for the words, “the maximum of the exceeds one thousand rupees a month”, the words “which exceed lowest scale payable to a Group B Employee of the State Government “ be and shall always be deemed to have been substituted;

(b) after sub-section (2), the following sub-section shall be inserted, name “(3) The pay, allowances leave and other benefits of the employees of Board shall be regulated by the rules relating to such pay, allowances , leads and other benefits framed by the State Government for its employees from time to time or any other rules as may be framed and adopted by the Board.

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6. In section 8 of the principal Act , after sub-section (2), the following sub-section shall be inserted , namely:

(3) “Subject to the provisions of sub-section (1), no officer or other employees except the Secretary of the Board, shall be appointed or deputed by the State Government , without the consent of the Board. The Board shall have right not to accept the appointment or deputation of any officer and staff made by the State Government without the consent of the Board.”

Amendment Of section 9 7. In section 9 of the principal Act, in clause (a), for the word “two” the word “three” shall be substituted.

Amendment Of section 10 8. In section 10 of the Principal Act.
(a) in the proviso to sub-section (1)
i. in paragraph (a), for the words “five Lakhs” the words “fifty lakhs” shall be substituted;
ii. in paragraph (b), for the words “fifty thousand”, the words “five lakhs” shall be substituted.
(b) In sub-section (2), after the words “original contract”, the words “subject to adherence for overall limits of variation within the Scheme as provided under the proviso to section 19 of this Act” shall be added.

Amendment Of section 12 9. In section 12 of the principal Act.
(a) In sub-section (1) after the words “State Government”, the words “including implementation of cash loan schemes and may also incur expenditure for such housing scheme on any other land as the State Government may deem fit”.
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(a) in clause (f), after the words “board premises”, the words “including for commercial purposes to generate revenue of the Board”, shall be added;
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(a) for the marginal heading “other duties of the Board”, the marginal heading “other powers and duties of the Board” shall be substituted.
(b) in clause (iv) of sub-section (2),
(i) in sub-section (c), the words “for residential or non-residential houses” shall be deleted;
(ii) for sub-clause (d), the following sub-clause shall be substituted, namely:-
“(d) undertaking training of unskilled and semi-skilled persons for deployment in the construction industry through Palika Karigar Kendras and or Building Centres”;

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Of section 25.**

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- “(5) 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 Sikkim, or in any other Nationalised Bank operating in Sikkim. Provided that nothing contained in this sub section shall prejudice the decision of the Board to invest any surplus fund in the manner specified in clause (ix) of sub section (2) of section 21”.

**Amendment
Of section 27.**

15. In section 27 of the principal Act, in Sub-section (1):-
- (a) after the words “in any year” the words “though not provided for in the approved annual budget” shall be added:
 - (b) in clause (a) and (b), for the words “fifty thousand rupees” and “two lakhs rupees “, the words “two lakhs fifty thousand rupees “ and “ten lakhs rupees “ shall , respectively be substituted

**Amendment
Of section 30**

16. In section 30 of the principal Act:-
- (a) for sub-section(1) and sub-section(2) the following sub-section s shall be substituted, namely:-

“(1) The Board shall cause to be maintained proper book of accounts and records in such forms and manner as maybe prescribed or as per the accounts manual to be adopted by the Board by resolution to this effect in the manner of commercial pattern of accounting.

(2) The Board shall cause its accounts to be audited annually by an Auditor to be appointed by the Board from amongst the Chartered Accountants empanelled by the State Government . the auditor so appointed shall have the right to demand the production of books, accounts , vouchers, documents and all other papers relating to accounts or otherwise , and to inspect any of the offices of the board”.

(b) after sub-section (2) , the following sub-section, shall be inserted, namely:-

“(2 (a) The Auditor of the Board shall examine each balance sheets and profit and loss account and state whether they represent a true and fair position of assets and liabilities of the Board in the case of the former and of the result from operations during the period covered in the case of the latter”

Amendment

Of section 35

17. In section 35 of the Principal Act, in sub-section (2), for clause (b) , the following clause shall be substituted, namely:-

(b) the principles and terms and conditions in allotment of tenements and premises and in the grant of housing loan”.

By order of the Governor,

T.D.Rinzing
Secretary to the Govt. of Sikkim
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F.No. 16(82)/LD/2000