

PRELIMINARY

CHAPTER I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.

(2) It extends to the whole of Uttar Pradesh excluding cantonment areas.

(3) It shall come into force in such area and on such date as the State Government may by notification in the *Gazette* appoint ; and different dates may be appointed for different areas of Uttar Pradesh.

2. Definitions. - In this Act, unless the context otherwise requires -

- (a) "Adhyaksh" means the Adhyaksh of the Board ;
- (b) "appointed day" in relation to any area, means the day on which this Act comes into force in that area ;
- (c) "betterment fee" means the fee leviable under Chapter IV ;
- (d) "Board" means the Uttar Pradesh Avas Evam Vikas Parishad established under this Act ;
- (e) "Board premises" means any premises belonging to, or vested in, the Board or taken on lease by the Board or which are entrusted to, or are in the possession or control of, the Board for the purposes of this Act ;
- (f) "building" means a house, out-house, stable, shed, hut (other than a hut made of mud appurtenant to or situated in a cultivated field in any area outside the limits of a City, municipality, town area or notified area) or other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever, and whether used as a human dwelling or otherwise, and includes any verandah, platform, plinth, staircase, door-step or wall, including compound wall other than a boundary wall of a garden or of agricultural land not appurtenant to a house, but does not include a tent or other such portable temporary shelter;
- (g) "City" means any local area constituted to be a City under Section 3 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (U.P. Act No. II of 1959) ;

- (h) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;
- (i) "Master Plan" means a Master Plan prepared under any law for the time being in force ;
- (j) "municipality" means a municipality as defined in clause (9) of Section 2 of the U.P. Municipalities Act, 1916 (U. P. Act No. II of 1916) ;
- (k) "Nagar Mahapalika" means a Nagar Mahapalika established under Section 4 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (U.P. Act No. II of 1959) ;
- (l) "notified area" means a notified area as defined in sub-section (2) of Section 337 of the U.P. Municipalities Act, 1916 (U.P. Act No. II of 1916) ;
- (m) "premises" means any building or part of building, and includes-
 - (i) any garden, grounds, land and out-houses appertaining to such building or part ; and
 - (ii) any fittings affixed to such building or part for the more beneficial enjoyment thereof ;
- (n) "prescribed" means prescribed by rules ;
- (o) "prescribed authority" means any authority appointed by the State Government by notification in the Gazette to perform all or any of the functions of a prescribed authority under this Act ;
- (p) "regulations" means regulations made under this Act ;
- (q) "rules" means rules made under this Act ;
- (r) "State Government" means the Government of Uttar Pradesh ;
- (s) "town area" means any local declared or defined under Section 3 of the U.P. Town Area Act, 1914 (U.P. Act No. II) of 1914) to be a town area ;
- (t) "Tribunal" means a Tribunal Constituted under Section 64 ;
- (u) "Unit" means a Housing Unit established under Section 9 ; and
- (v) except in clauses (f), (g) and (j), references to a 'City', or 'municipality' shall be construed as including references to areas lying within a distance of five kilometers beyond the limits of such City or municipality.

shall not, notwithstanding anything contained in the proviso to section 4, vote or take part in any proceeding of the Board, Avas Samiti or committee relating to such matter.

(2) If any member of the Board or of an Avas Samiti or of a committee appointed by the Board has, directly or indirectly, any interest in any land situated in an area comprised in any of the schemes framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act, he shall not take part in any meeting of the Board, Avas Samiti or committee in which any matter relating to such land is considered.

(3) Nothing in sub-section (1) or sub-section (2) shall prevent any member of the Board, Avas Samiti or committee from voting on, or taking part in the discussion of, any resolution or question relating to any subject other than the subject referred to in those sub-sections.

14. Acts not to be invalidated by informality, vacancy, etc.

No act done or proceeding taken under this Act by the Board, an Avas Samiti or a committee appointed by the Board shall be invalidated merely on the ground of -

- (a) any vacancy or defect in the constitution of the Board, Avas Samiti or Committee ; or
- (b) any defect or irregularity in the appointment of a person acting as a member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the substance.

CHAPTER III

*Functions and Powers of the Board*¹²

15. Functions of the Board. - (1) Subject to the provisions of this Act and the rules and regulations, the functions of the Board shall be-

- (a) to frame and execute housing and improvement schemes and other projects.
- (b) to plan and co-ordinate various housing activities in the State and ensure expeditious and efficient implementation of housing and improvement schemes in the State ;

12. Subs. by U.P. Act II of 1973 as re-enacted by U.P. Act 30 of 1974.

- (c) to provide technical advice for and scrutinise various projects under housing and improvement schemes sponsored or assisted by Central Government or the State Government ;
- (d) to assume management of such immovable properties belonging to the State Government as may be transferred or entrusted to it for this purpose ;
- (e) to maintain, use, allot, lease, or otherwise transfer plots, buildings and other properties of the Board or of the State Government placed under the control and management of the Board.
- (f) to organise and run workshops and stores for the manufacture and stockpiling of building materials ;
- (g) on such terms and conditions as may be agreed upon between the Board and the State Government, to declare houses constructed by it in execution of any scheme to be houses subject to the U.P. Industrial Housing Act, 1955 (U.P. Act No. XXIII of 1955) ;
- (h) to regulate building operations ;
- (i) to improve and clear slums ;
- (j) to provide roads, electricity, sanitation, water supply and other civic amenities and essential services in areas developed by it ;
- (k) to acquire movable and immovable properties for any of the purposes before mentioned ;
- (l) to raise loans from the market, to obtain grants and loans from the State Government, the Central Government, local authorities and other public corporations, and to give grants and loans to local authorities, other public corporations, housing co-operative societies and other persons for any of the purposes before mentioned ;
- (m) to make investigation, examination or survey of any property or contribute towards the cost of any such investigation, examination or survey made by any local authority or the State Government.
- (n) to levy betterment fees ;
- (o) to fulfil any other obligation imposed by or under this Act or any other law for the time being in force ; and
- (p) to do all such other acts and things as may be necessary for the discharge of the functions before mentioned.

(2) Subject to the provisions of this Act and the rules and regulations, the Board may undertake, where it deems necessary, any of the following functions, namely -

- (a) to promote research for the purpose of expending the construction of and reducing the cost fo buildings ;
- (b) to execute works in the State on behalf of public institutions, local authorities and other public corporations, and departments of the Central Government and the State Government ;
- (c) to supply and sell building materials ;
- (d) to co-ordinate, simplify and standardise the production of building materials and to encourage and organise the prefabrication and mass production of structiural components ;
- (e) with a view to faciliating the movement of the population in and around any city, municipality, town area or notified area, to establish, maintain and operate any transport service, to construct, widen, strengthen or otherwise improve roads and bridges and to give financial help to others for such purposes ;
- (f) to do all such other acts and things as may be necessary for the discharge of the functions before mentioned.

16. Housing or improvement scheme when to be framed by the Board. -(1) A housing or imporvement scheme may be framed by the Board of its own motion or at the instance or a local authority and shall be framed when so directed by the State Government.

(2) The Board may refuse to frame and execute a housing or improvement scheme at the instance of a local authority if the Board is satisfied that such scheme is unnecessary or not feasible or that the funds at its disposal do not permit the framing or execution of such scheme, and intimate its refusal to the authority. The Board shall intimate its decession within one year from the date of receipt of the request from the local authority that a scheme be framed.

(3) Any local authority aggrieved by the refusal of the Board under sub-section (2) may, within two months from the date of receipt of the intimation, appeal to the State Government who may pass such orders thereon as it thinks fit and the Board shall give effet to such orders.