



DRAFT J&K HOUSING BOARD RULES, 2024

Draft J&K Housing Board Rules 2024

In exercise of the powers conferred by section 59 of the Jammu & Kashmir Housing Board Act, 1976, the Government of Jammu & Kashmir hereby notifies the following rules:

1. Short Title and Commencement

- i. These rules may be called the Jammu & Kashmir Housing Board Rules, 2024.
- ii. They shall come into force from the date of notification of these rules in the official gazette of the Union Territory of Jammu & Kashmir.

2. Definitions

In these rules unless the context otherwise requires

- i. “Act” means the Jammu and Kashmir Housing Board Act, 1976.
- ii. “Form” means form appended to these rules.
- iii. “Section” means a section of the Act.
- iv. “Government” means Housing and Urban Development Department of Jammu and Kashmir.

3. Constitution of the Board:

The Board shall consist of the Chairman and the following other ex-officio Members :

- i. Administrative Secretary Housing and Urban Development Department.
- ii. Divisional Commissioner Kashmir.
- iii. Divisional Commissioner Jammu.
- iv. Engineer-in-Chief, Public Works Department.
- v. Managing Director, J&K Housing Board.
- vi. Chief Architect, J&K.
- vii. Chief town Planner, Jammu.
- viii. Chief Town Planner, Kashmir.
- ix. Representative of the Finance Department not below the rank of the Additional Secretary

Any Officer whose assistance or advice desired by the Board may be co-opted.

Explanation: The Administrative Secretary Housing and Urban Development Department shall act as the Chairperson and Managing Director, J&K Housing Board shall act as the Member Secretary of the Board.

4. Quorum:

- i. The quorum for a meeting of the Board shall be one-third of its total strength or three directors, whichever is higher, and the participation of the directors by video

conferencing or by other audio visual means shall also be counted for the purposes of quorum under this rule.

5. Call a Meeting of the Board:

The Chairman may at any time at his discretion and shall on receipt of a requisition of two-thirds of the members actually serving or when the Government so directs convene a Meeting of the Board.

6. Constitution of Committee:

The Board may from time to time, appoint Committees or Sub Committees consisting of such member/ members as it thinks fit to advise the Board on such matters as the Board may deem fit and subject to such directions as the Board may give.

7. Recording and confirmation of Minutes:

- i. Board shall cause minutes of the proceedings of every meeting and every resolution passed in every meeting of its Board of Directors or of every committee of the Board, to be prepared and signed and kept within thirty days of the conclusion of every such meeting concerned with their pages consecutively numbered.
- ii. The minutes of each meeting shall contain a fair and correct summary of the proceedings thereat.
- iii. All appointments made at any of the meetings aforesaid shall be included in the minutes of the meeting.
- iv. In the case of a meeting of the Board of Directors or of a committee of the Board, the minutes shall also contain –
 - a) the names of the directors present at the meeting; and
 - b) in the case of each resolution passed at the meeting, the names of the directors, if any, dissenting from, or not concurring with the resolution.
- v. There shall not be included in the minutes, any matter which, in the opinion of the Chairman of the meeting:
 - a) is or could reasonably be regarded as defamatory of any person; or
 - b) is irrelevant or immaterial to the proceedings; or
 - c) is detrimental to the interests of the Board.
- vi. The Chairman shall exercise absolute discretion in regard to the inclusion or non-inclusion of any matter in the minutes on the grounds specified in the rule (7.5) above.
- vii. The minutes kept in accordance with the provisions of this rule shall be evidence of the proceedings recorded therein.

- viii. Where the minutes have been kept in accordance with this rule, then, until the contrary is proved, the meeting shall be deemed to have been duly called and held, and all proceedings thereat to have duly taken place, and in particular, all appointments of directors, key managerial personnel, auditors or company secretary in practice, shall be deemed to be valid.

8. Manner and execution of Contract:

- i. Every contract for the execution of any work or the supply of any building material or goods shall be in writing and sealed.
- ii. The common seal of the Board shall remain in the custody of the Managing Director and shall not be affixed to any contract or other instrument except in the presence of a member (other than the Chairman) who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.
- iii. The signature of the said member shall be in addition to the signature of any witness to the execution of such contract or instrument.
- iv. If forms for a contract are prescribed in the Central/ Public Works Department Manual or Code, the said forms may be adopted for like contracts of the Board provided that the Board shall have the power to make additional conditions in the form of the contract if the Board desires to do so.
- v. In inviting tenders and entering into contracts for the execution of its work, the Board shall, as far as possible, follow the principles laid down in the Public Works Department's Manual of the UT of Jammu & Kashmir.
- vi. The Board shall follow the principles in the Central/ Public Works Department Manual or Code as far as possible according to sanctions, inviting tenders, and entering into contracts to execute its works viz. GFR 2017 Rules, Manual for Procurement of Goods and Services, 2017, Manual for Procurement of Works, 2019, Manual for Procurement of Consultancy and Other Services, 2017 and their further amendments issued by the Ministry of Finance, Department of Expenditure, GOI, and other instructions/orders/guidelines issued by the Government of Jammu and Kashmir.

9. Delegation of Powers of the Board to sanction contracts: The Board may delegate the power to sanction the contracts under section 13 to:

- i. The Managing Director to exercise such powers as Chief Engineer as prescribed under Standing order 15 of 2020 of the Finance department as issued on 9th January 9, 2020 of Government of Jammu & Kashmir and also with reference to the powers

delegated through different Standing orders of the Finance Department issued from time to time, except for the powers to accord technical sanction.

10. Entrustment of other functions to Board:

- i. The functions that may be entrusted to the Board include, but are limited to:
 - a) Implementation of township / housing policy of the Government as may be notified from time to time.
 - b) Maintenance and re-development of all housing colonies as have been entrusted to the Board.
 - c) Renewal of lease of the houses in the approved housing colonies of the UT of Jammu & Kashmir.
 - d) Development and maintenance of Housing projects
 - e) Implementation of such urban and other infrastructure projects as are assigned to the Board by the Government from time to time.
 - f) Slum clearance and rehabilitation projects
 - g) Implementation of Government schemes and policies related to Housing and Urban development as are assigned to the Board by the Government from time to time.
 - h) Any other function/work related to the Housing and Urban development or any other government department/organization as may be assigned by the Government from time to time.
- ii. The Government of UT may provide the Board with the necessary funds for the performance of the entrusted functions. The Board shall maintain a separate account for the funds received and expenditure incurred for the entrusted functions. The Board shall submit an annual financial report to the government detailing the utilization of funds and performance of the entrusted functions.

11. Publication of Housing Scheme:

- i. The Board shall, formulate a brochure of the Housing Scheme containing the following requisite details:
 - a) the description of the plots/property/flats;
 - b) minimum reserve price as fixed by the Board;
 - c) estimated capital involved, including expenditures on the scheme;
 - d) estimated revenue anticipated from the scheme;
 - e) necessary terms and conditions of allotment;
 - f) any other detail that it may deem fit.
- ii. The Board shall publish such brochure as prepared under sub-rule (i)

- a) in local and national newspapers being at least one Hindi and one English in a perceptible size; and
- b) in the official website of the Board and any other online portal that it deems fit.

12. Betterment charges:

- i. The Board shall give not less than fifteen days' notice in the form 'A' as given in the Annexure to this Rules to any person who is the owner of the land in respect of which the betterment charges are to be levied.
- ii. If such person fails to acknowledge the notice and fails to appear after the expiry of the period, within which person is required to appear before the Board, the Board shall proceed to assess the amount of betterment charges.
- iii. Where the assessment of betterment charges proposed by the Board is accepted by the person concerned within the period prescribed, the assessment shall be final.
- iv. The levy of betterment charges under section 27 shall be as decided by the Board from time to time.

13. Disposal Of Property:

- i. The Board shall not lease, sell, exchange or otherwise dispose off any immovable property vesting in it without the prior approval of Government. Such transfer shall be subject to such terms and conditions as the Government may determine in each case in that behalf.
- ii. The Housing Board shall dispose of the land in accordance with the land disposal policy notified by the Government of the Union Territory, from time to time.
- iii. Provided that no such approval shall be required:
 - a) For allotment of tenements and premises according to the regulations made by the Board in that behalf; and
 - b) For sale or demolition of any building or structure which is in a dangerous condition or beyond repair.

14. Remuneration:

The remuneration and service conditions of officers and servants of the Board shall be governed d by the notified Gazette and Non-Gazette Service Recruitment Rules of J&K Housing Board and any other amendments made thereunder from time to time.

15. Constitution, Jurisdiction and Procedure before the Tribunal:

- i. The Special Tribunal constituted under the Jammu & Kashmir Special Tribunal Act, 1988, shall be the Tribunal for all the purposes as envisaged.
- ii. The Tribunal shall, notwithstanding anything contained in the Jammu & Kashmir Special Tribunal Act, 1988, perform such duties and exercise such jurisdiction as provided in Sections 34 & 36.

16. Appointment of Competent Authorities:

- i. The Government may by notification in the [Government Gazette], appoint an officer who holds or has held office, which in its opinion is not lower in rank than that of an Collector (Assistant Commissioner) or Deputy General Manager (Executive Engineer), to be the Competent Authority for performing the functions of the Competent Authority under this Act in such area or in respect of such premises or class of premises, as may be specified in the notification,
- ii. More than one officer may be appointed as competent authority in the same area in respect of different premises or classes of premises.

17. Procedure for evicting certain persons from Board premises:

- i. To take possession of the premises under Section 40, the Board may, after issuing the notice required in the said section and affording reasonable opportunity to the occupant to be heard, enter the premises at any time except before sunrise or after sunset.
- ii. The Board may, for purposes of entry under sub-rule (i), 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.
- iii. When the articles are taken possession of under sub-rule (ii), a notice shall be issued to the occupant to receive the articles after paying such custody charges as the Board may fix in each case.
- iv. If the person to whom a notice is issued under sub-rule (iii) fails to take possession, the Board may sell the articles by public auction and hold the proceeds thereof in deposit at the credit of the person concerned.
- v. If any obstruction is caused, or in the Board's opinion, is likely to be caused to taking possession of any public premises under the Act, the Board or any other officer authorized by him in this behalf may obtain necessary police assistance.

18. Assessment of damages for unauthorized occupation:

- i. In assessing damages under section 41 (2) of the Act, for unauthorized occupation of any premises belonging to the Board, the Board shall take into consideration the following matters namely:
 - a) the purpose and the period for which the Board premises were under unauthorized occupation;
 - b) the nature, size and standard of the accommodation available on such premises;
 - c) the economic rent of the premises for the period of unauthorized occupation such rent shall be decided by the Board from time to time;
 - d) any material damage done to the premises during the period of unauthorized occupation;
 - e) any other matter which, in the opinion of the Board, is relevant for the purpose of assessing the damage.
- ii. Before assessing the damage, the Board shall give the person in unauthorized occupation an opportunity to be heard.

19. Appeal:

- i. An appeal preferred against the order under Section 40 and Section 41 of the act shall be in writing, set forth concisely the grounds of objection to the order appealed against, and be accompanied by a copy of such order.
- ii. On receipt of the appeal and after calling for and perusing the record of the proceedings before the Board, the Chairman shall assign a time and place for the hearing of the appeal and shall give notice thereof to the Competent Authority against whose order, the appeal has been preferred and to the applicant.

20. Utilization of the Board Fund

- i. Unless otherwise prescribed under the Act or rules made thereunder, Board fund as constituted under Section 46 of the Act, may be utilized for the purpose of :
 - a) Development and implementation of housing projects
 - b) Maintenance and improvement of existing housing facilities
 - c) Provision of loans, subsidies, and other financial assistance to eligible individuals or groups for housing purposes.
- ii. Any other purpose deemed necessary by the Board for fulfilling its objectives under the Act.

21. Subventions and loans to the Board:

- i. The Board may for the purposes of its capital expenditure and working capital requirements raise loans from scheduled bank or financial institution located within India.
- ii. Provided that no loan shall be raised by the Board without the previous sanction of the central government.

22. Short-term borrowings by the Board:

- i. The Board may, to meet any current expenditure, borrow by way of temporary loan or overdraft from any Bank/ financial institution e.g., Nationalized Bank, Life Insurance Corporation of India, or any other financial institution which lends money for housing activity, such sums as it may require with the concurrence of the Board of Directors and subject to approval of the Government.
- ii. The amount so borrowed and the interest thereon shall be repaid from current revenues within a period of twelve months from the date of the borrowing or such extended period as the Government may allow.

23. Long-term borrowing by the Board:

The Board may borrow money and mortgage or charge its undertaking, property (including its revenue) or any part thereof and issue debentures, debentures stock notes and other securities whether outright or as security for any debt, liability or obligation of the Board or any third party, with the previous consent of the Government of UT.

24. Form of Annual Budget:

- i. The annual budget shall be prepared as per the standard proforma of the J&K Budget Manual (B1, B2, B3, B4(II), B10 and other proforma as per requirement from time to time and appended as “A” hereto.
- ii. Every Housing Scheme shall be named by the Board in conformity with the outlined Development Plan or the comprehensive Development Plan, as the case may be, made for any area under the Development Act, 1970.

25. Submission of budget to the Board:

- i. The budget shall include estimated receipts and expenditures for the financial year.
 - a) Detailed estimates of all expected income, including grants, loans, and other revenues.
 - b) Detailed estimates of all proposed expenditures, including administrative expenses, project costs, maintenance, and development activities.

- c) The budget shall be submitted to the chairperson at least one month before the commencement of the financial year.
- ii. The Chairperson shall review the budget and make any necessary recommendations or modifications. The budget, along with the chairperson's recommendations, shall be placed before the Board for approval.
- iii. The Board shall discuss, amend if necessary, and approve the budget by a majority vote.

26. Maintenance of accounts:

- i. The accounts of the Board shall be prepared and maintained as per the provisions laid down under the Accounting Manual of the Finance Department of Government of Jammu & Kashmir.
- ii. The Board shall prepare its annual statement of accounts within three months of the year's closing.

27. Reports to be furnished by the Board:

- i. The Board shall, at the end of each year and within three months of the date of the closing of the year, submit to the Government of UT an annual report giving its activities in the year.
- ii. The report shall be divided into the following parts, namely:
 - a) Part (i) Introduction
 - b) Part (ii) Brief details about the program for the year of report.
 - c) Part (iii) Progress of the program in the year, including information regarding.
 - i. The number of tenements completed and the location and other details of such tenements.
 - ii. the lands acquired or developed for the various Housing schemes.
 - iii. the lands acquired or developed for the cooperative housing societies.
 - iv. any other matter included in the program.
 - d) Part (iv) Finance for the Board's activities
 - e) Part (v) Establishment working under the Board and administration of the Board's business.
 - f) Part (vi) Estate Management, Research work and any work other than Housing Construction undertaken by the Board.
 - g) Part (vii) Brief details of the program for the next year

28. Submission of report statistics, other statements and returns:

The Board shall submit to the Government of UT the following statistics and returns:

- i. Annual financial statements including annual budgets, audited financial statements, and quarterly financial reports.
- ii. quarterly operational reports including project progress reports, housing allocation reports, and maintenance reports.
- iii. operational and compliance reports, as identified by the Board, shall be submitted monthly.
- iv. compliance reports including statutory compliance reports, environmental compliance reports, and safety compliance reports.
- v. Any other statement as required by the Board or the government from time to time.

29. Power of Entry:

- i. Subject to the provisions of these rules, the Competent Authority shall have the power to enter any premises for the purposes of specified under section 56 of the Act.
- ii. The purpose for which entry may be made include:
 - a) Surveying and taking measurements of the premises.
 - b) Inspection of any works under construction or completed.
 - c) Execution of ting any work or providing any service in accordance with the provisions of the Act.
 - d) To ensure compliance with any notice, order, or direction issued under the Act.
 - e) Except in cases of emergency, the Competent Authority shall give the occupier of the premises at least 24 hours written notice of the intention to enter and the purpose thereof. The notice shall be delivered in person or sent by registered post to the occupier.
- iii. The Competent Authority shall carry and produce an official identification card and authorization when entering any premises.
- iv. The Competent Authority shall conduct the entry and inspection with due regard to the privacy and convenience of the occupier and shall cause as little inconvenience and damage as possible.
- v. The Competent Authority may take such assistants or experts as deemed necessary for the purpose for which entry is made.

- vi. The occupier shall provide reasonable assistance and cooperation to the Competent Authority and their assistants.
- vii. The Board shall compensate the occupier for any damage caused to the premises during the exercise of the power of entry, provided that such damage was not caused due to any act or omission on the part of the occupier.

30. Valuation of Assets and Liabilities of Board:

The valuation of assets and liabilities shall be conducted to:

- i. Ascertain the financial position of the Board.
- ii. Ensure transparency and accountability in financial reporting.
- iii. Provide a basis for decision-making regarding management and disposal of assets.
- iv. Assist in the preparation of financial statements and annual reports.

31. Frequency of Valuation:

- i. The Board shall conduct a comprehensive valuation of its assets and liabilities at least once in five years as mentioned in section-58 of the Act.
- ii. Interim valuations may be conducted as required for specific purposes, such as financial audits or project assessments.

32. Valuation Methodology:

- i. The Board shall adopt recognized and generally accepted valuation methods, which may include:
 - a) Market Value Method,
 - b) Income Approach,
 - c) Cost Approach,
 - d) Depreciated Replacement Cost Method

Explanation: The choice of method shall depend on the nature of the asset or liability being valued.

- ii. The Board shall appoint independent and qualified valuers to conduct the valuation of assets and liabilities.
- iii. The valuers shall prepare a detailed valuation report upon completion of the valuation.
- iv. The report shall include description of assets, valuation method used, basis and assumptions of the valuation, current market value of the assets and liabilities as per Market Guidelines adopted by J&K UT government.

- v. The valuation report shall be submitted to the Board for review and approval.
- vi. The Board shall maintain comprehensive records of all valuations conducted.
- vii. The records shall include copies of valuation reports, supporting documents, and any correspondence with valuers.
- viii. The Board shall periodically review the valuation policies and procedures to ensure compliance with relevant regulations and standards.
- ix. The Board and appointed valuers shall maintain the confidentiality of all information obtained during the valuation process, except as required by law or authorized by Board.
- x. The Board reserves the right to take disciplinary action, including termination of contracts, against non-compliant valuers.

33. Exclusion and Saving:

Any other word, act and rules which has not been specifically used and specified in these rules will have the same meaning and shall be applied and followed in the manner as defined and prescribed under the said act/rules.

Form "A"

(As per section-28 (Sub section-1) of the Act)

NOTICE FOR LEVYING BETTERMENT CHARGES

To,

Shri/Shrimati/Kumari _____ residing at _____
in _____ division of _____ District.

1. Whereas by Government Notification No _____ dated _____ it was notified under section 17 of the Jammu & Kashmir Housing Board Act, 1976 that a scheme has been duly framed by the Jammu & Kashmir Housing Board.
2. Whereas the Board decided under section 27 to levy a betterment charge on all lands adjoining the said scheme area on account of the increase in the value of land from the execution of the scheme.
3. And whereas, you are owner of one of such lands shown in plan No _____ attached to the scheme file.
4. Now therefore, in exercise of the powers conferred on me under sub-section (1) of section 28 of the said Act, I hereby give you notice that a betterment charge of Rs. _____ is leviable on you in respect of the said Land.
5. Notice is also given for you to appear before the undersigned on 20 _____ at the office of the Board. Failure to appear before me on the scheduled day will be deemed your acceptance of the betterment charge assessed by the Board.
6. A plan of the said scheme indicating land in respect of which the betterment charges are to be levied, can be inspected at the office of the Board.

By order and in the name of the Jammu & Kashmir Housing Board,

Dated _____

Form "B"

(As per section-40 (Sub section-1) of the Act)

To,

Shri/Shrimati/Kumari _____ residing at _____ in
division of _____ District.

Whereas I, the undersigned, am satisfied—

1. that you have not paid rents lawfully due from you for more than two months commencing from in respect of the premises in the Schedule appended hereto;
2. that you have sub-let, without the permission of the Board the whole or part of the premises described in the Schedule appended hereto;
3. that you have and thereby have acted in contravention of the terms under which you were authorised to occupy and use the premises described in the Schedule appended hereto;
4. Therefore, in exercise of the powers conferred on me under sub-section (1) of section 40 of the Jammu & Kashmir Housing Board Act, 1976.
5. I order you (as well as _____ who is/are in occupation of the whole/a part of the said premises) to vacate the premises within one month from the date of service of this notice.

By order and in the name of the Jammu & Kashmir Housing Board,

Dated _____

Form “C

(As per section-40 (Sub section-2) of the Act)

To,

Shri/Shrimati/Kumari _____ residing at _____ in _____
division of _____ District. Whereas I, the
undersigned, am satisfied—

1. that you have not paid rent lawfully due from you for more than two months commencing from in respect of the premises described in the Schedule appended thereto;
2. that you have sub-let, without the permission of the Board, the whole or part of the premises described in the Schedule appended to it;
3. that you have and thereby acted in contravention of the terms under which you were authorised to occupy and use the premises described in the Schedule appended thereto;
4. And whereas, in exercise of the powers conferred on me under sub-section (1) of section 40 of the Jammu & Kashmir Housing Board Act, 1976, I propose to order you (as well as _____ who is/are in occupation of the whole/a part of the said premises) to vacate the said premises within one month from _____ to _____ on the grounds aforesaid (hereinafter referred to as the proposed order);
5. Now, therefore, as required by the proviso to sub-section (2) of the said section 40, I call upon you to tender an explanation and produce evidence, if any, and show cause within fourteen days from the date of service of this notice why the proposed order should not be made.

UT of Jammu and Kashmir

Dated:

Competent Authority

Form "D"

(As per section-41(Sub section-1) of the Act)

To,

Shri/Shrimati/Kumari _____ residing at _____ in _____
division of _____ District.

1. Whereas you are in occupation of premises described in the Schedule hereto appended; And whereas a sum of Rs. _____ being the arrears of rent from _____ up to _____ in respect of the said premises is due and payable by you to the Board;
2. Now therefore, in exercise of the powers conferred on me under sub-section (1) of section 41 of the Jammu & Kashmir Housing Board Act, 1976, I hereby order you to pay the said sum within thirty days from the date of service of this notice, failing which the said sum will be recovered as arrears of land revenue.

UT of Jammu and Kashmir

Dated:

Competent Authority

Form "E"

(As per section-41(Sub section-2) of the Act)

To

Shri/Shrimati/Kumari _____ residing at _____ in _____
division of _____ District.

1. Whereas you are in unauthorised occupation of the premises described in the Schedule appended hereto;
2. And whereas in the exercise of the powers conferred on me under sub- section (2) of section 41 of the Jammu & Kashmir Housing Board Act, 1976, I have assessed Rs. _____ as damages payable by you on account of the use and land occupation of the said premises, I now order you to pay the said amount of damages within ten days from the date of the service of the notice.
3. If the amount is not paid within the period specified above, it will be recovered as arrears of land revenue.

UT of Jammu and Kashmir

Dated:

Competent Authority

Form "F"

(As per section-41 (Sub section-3) of the Act)

To,

Shri/Shrimati/Kumari _____ residing at _____ in _____
division of _____ District.

1. Whereas, you are in unauthorised occupation of the premises described in the Schedule appended hereto;
2. And whereas, in exercise of the powers conferred on me by sub-section (3) of section 41 of the Jammu & Kashmir Housing Board Act, 1976, I have assessed Rs. as damages payable by you to the Board on account of the use and occupation of the said premises;
3. And whereas, I propose to order you to pay the said damages to the Board within ten days.
4. Now, therefore, as required by the provisions of sub-section (3) of the said section, I call upon you to tender an explanation and produce evidence, if any, and show cause within ten days from the date of service of this notice why the proposed order should not be made.

UT of Jammu and Kashmir

Dated:

Competent Authority