THE KERALA STATE HOUSING BOARD
(AMENDMENT) BILL, 2010

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further to amend the Kerala State Housing Board Act, 1971.

Preamble.—WHEREAS, it is expedient further to amend the Kerala State Housing Board Act, 1971 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first Year of the Republic of India, as follows.

1. *Short title and commencement.*—(1) This Act may be called the Kerala State Housing Board (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on 5th day of January, 2010.

2. *Insertion of new section 36A.*—In the Kerala State Housing Board Act, 1971 (19 of 1971), (hereinafter referred to as the principal Act), after section 36, the following section shall be inserted, namely:—

"36A. *Power of Board to undertake housing or improvement Schemes through Joint Venture Project or Public Private Partnership Scheme.*—The Board may execute any housing or improvement scheme through Joint Venture Project or Public Private Partnership, as the case may be, with the approval of the Government for each such scheme.

Explanation: For the purpose of this section, "Joint Venture Project or Public Private Partnership Scheme" means participation of the Board with private person or company procured through a transparent and open procurement system for executing any housing or improvement scheme including commercial complexes, shopping malls etc.".

3. *Repeal and Saving.*—(1) The Kerala State Housing Board (Amendment) Ordinance, 2010 (2 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per paragraphs 169, 170 and 171 of the Budget speech 2009-2010 a comprehensive programme has been proposed for the revival of the Housing Board. It envisages for the setting up of housing and commercial complexes in different parts of the State through Joint Venture Projects or Public Private Partnership. At present there is no provision to this effect in the Kerala State Housing Board Act, 1971 and hence Government have decided to insert a new section for the purpose in the said Act.

2. As the Kerala Legislative Assembly was not in session and circumstances existed for making immediate legislation for implementing the above said decision, the Kerala State Housing Board (Amendment) Ordinance, 2010 (2 of 2010) was promulgated by the Governor of Kerala on the 4th day of January, 2010 and published in the Kerala Gazette Extraordinary No. 37 dated 5th January, 2010.

3. This Bill seeks to replace the above said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State of Kerala.

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EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA STATE HOUSING BOARD ACT, 1971

(19 OF 1971)

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36. *Power of the Board to undertake housing or improvement Schemes and incur expenditure.*—(1) Subject to the provisions of this Act the Board may, from time to time incur expenditure and undertake works for the preparation and execution of such housing or improvement schemes as it may consider necessary.

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

(3) The Board may, on such terms and conditions as may be agreed upon take over for execution any housing or improvement scheme undertaken by a local authority and the Board shall execute such scheme as if it had been provided for by this Act.

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