

Twelfth Kerala Legislative Assembly

Bill No. 414

**THE KERALA STATE HOUSING BOARD
(AMENDMENT) BILL, 2011**

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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-second 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, 2011.

(2) It shall be deemed to have come into force on the 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 *Repeal and Saving.*—(1) The Kerala State Housing Board (Amendment) Ordinance, 2011 (17 of 2011) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been 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. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala in its 14th session, held from the 24th day of February, 2010 to 31st day of March, 2010.

4. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Kerala State Housing Board (Amendment) Ordinance, 2010 was promulgated by the Governor of Kerala on the 6th day of April, 2010 and the same was published as Ordinance No. 13 of 2010 in the Kerala Gazette Extraordinary No. 860 dated the 7th day of April, 2010.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala in its 15th session, held from the 28th day of June, 2010 to 29th day of July, 2010.

6. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Kerala State Housing Board (Amendment) Ordinance, 2010 was promulgated by the Governor of Kerala on the 8th day of August, 2010 and the same was published as Ordinance No. 43 of 2010 in the Kerala Gazette Extraordinary No. 1810 dated the 8th day of August, 2010.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala in its 16th session, held from the 21st day of December, 2010 to 3rd day of January, 2011.

8. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Kerala State Housing Board (Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on the 22nd day of January, 2011 and the same was published as Ordinance No. 17 of 2011 in the Kerala Gazette Extraordinary No. 147 dated the 23rd day of January, 2011.

9. 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.

BINOY VISWAM

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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37. *Power of Government to transfer any land belong to or vested in them or acquired under the Kerala Land Acquisition Act to the Board.*—Whenever the Government consider it expedient or necessary, for the purpose of clearance or improvement of any slum area, to transfer any land in such area belonging to or vested in them or acquired under the provisions of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), for the purposes of slum clearance, they may do so on such terms and conditions as they may think fit to impose; and direct the Board to undertake the clearance or improvement of that area and to frame and execute such housing or improvement scheme under this Act as the Government may, specify, and the Board shall thereupon undertake the same for execution as if it had been provided for by this Act.

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