

**Thirteenth Kerala Legislative Assembly**

**Bill No. 99**

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**THE KERALA STATE HOUSING BOARD  
(AMENDMENT) BILL, 2012**

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**Thirteenth Kerala Legislative Assembly**

**Bill No. 99**

THE KERALA STATE HOUSING BOARD (AMENDMENT) BILL, 2012

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*BILL*

*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-third 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, 2012.

(2) It shall be deemed to have come into force on the 16th day of February, 2012.

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 the 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 *Repeal and saving.*—(1) The Kerala State Housing Board (Amendment) Ordinance, 2012 (22 of 2012) is hereby repealed.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

Government have approved a package for the revival of the Kerala State 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. As there is no provision in the Kerala State Housing Board Act, 1971, enabling the Kerala State Housing Board to undertake housing and improvement schemes through joint venture projects or public-private partnership, Government have decided to insert a new section in the Act for the purpose.

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, 2012 was promulgated by the Governor of Kerala on the 16th day of February, 2012 and published as Ordinance No.21 of 2012 in the Kerala Gazette Extraordinary No. 315 dated 16th February, 2012.

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 during its session which commenced on the 1st day of March, 2012 and ended on the 23rd day of March, 2012.

4. In order to keep alive the provision contained in the said Ordinance and as the Legislative Assembly of the State of Kerala is not in session the Kerala State Housing Board (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 11th day of April, 2012 and the same was published as Ordinance No. 22 of 2012 in the Kerala Gazette Extraordinary No. 724 dated the 11 th day of April 2012.

5. The Bill seeks to replace the 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.

K. M. MANI.

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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