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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 27th September, 2021.

L. A. BILL No. 5 OF 2021.

A BILL FURTHER TO AMEND THE TELANGANA HOUSING BOARD ACT, 1956.

Be it enacted by the Legislature of the State of Telangana in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Telangana Housing Board (Amendment) Act, 2021.

Short title and commencement.

(2) Unless otherwise specified, the provisions of this Act shall be deemed to have been come into force with effect from 01.01.2000.

2. In the Telangana Housing Board Act, 1956, (hereinafter referred to as the principal Act), for the preamble, the following shall be substituted, namely,-

Substitution of Preamble, Act No. XLVI of 1956.

[1]

B. 44-1 (GH)

"Whereas the Directive Principles of State Policy command the State to promote the welfare of the people and providing housing is essential to promote the welfare of the people;

And whereas, there is a serious need for housing accommodation in the State particularly for the weaker sections of the society;

And whereas, the Telangana Housing Board was established as an agent and extended arm of the State to discharge the duty of the State for providing housing to the poor, low income and the middle income groups, particularly belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Minority communities and accordingly various governmental powers and privileges have been conferred on the Telangana Housing Board for discharging the said duties;

And whereas, such Board would hold all the land on behalf of the State and enter into various actions on behalf of the State for the purpose of providing housing to the needy and development of infrastructure;

And whereas, all the powers and functions exercised by Telangana State Housing Board are deemed to have been exercised by the State of Telangana and property and income of Telangana State Housing Board shall be deemed to be that of the State falling under Article 289 (1) of the Constitution of India;

Accordingly, a Board is being constituted with the various powers and privileges of the State to discharge the responsibility of the State for providing housing accommodation;"

**Amend-
ment of
section 2.**

3. In the principal Act, in section 2, with effect from the 2nd day of June, 2014,

(1) in clause (7-A), the following shall be added at the end, namely,-

"Andhra Pradesh till 01.06.2014 and the State Government of Telangana with effect from 02.06.2014".

(2) after clause (17), the following clause shall be inserted, namely,-

"(17-A) "State" means "erstwhile State of Andhra Pradesh" till 01.06.2014 and "State of Telangana" with effect from 02.06.2014;"

4. In the principal Act, in section 3,-

**Amend-
ment of
section 3.**

(1) (a) the existing sub-section (3) shall be renumbered as sub-section (6).

(b) in the existing explanation, for the expression "sub-section (3)", the expression "sub-section (6)" shall be substituted.

(2) after sub-section (2), the following sub-sections shall be inserted, namely,-

"(3) For the removal of doubts, it is clarified that the Board is and always be deemed to be an agent and extended arm of the State and shall act and deemed at all times to have acted on behalf of the State while discharging its functions under this Act.

(4) For the removal of doubts, it is clarified that notwithstanding any other provision in the Act or any other law, the Board shall hold and be deemed to have held all movable and immovable property and all fund on behalf of the State and all income thereon shall belong to the State and shall always be deemed to have belonged to the State.

(5) For the removal of doubts, it is clarified that for the purpose of sections 13, 14 and 15 and any other provision relating to contracts in the Act, the Board shall enter into and all along be deemed to have entered into contracts as an agent of the State and all such acts and contracts shall be deemed to have been entered into on behalf of the State."

5. In the principal Act, in section 4, in sub-section (1), with effect from the 2nd day of June, 2014,

**Amend-
ment of
section 4.**

(1) for clause (n), the following shall be substituted, namely,-

"(n) three members, to be nominated by the Government;"

(2) clause (o) shall be omitted.

**Amend-
ment of
section 58.**

6. In the principal Act, in section 58,-

(1) In sub-section (1), after the words "The Board shall have its own fund.", the following words shall be added, namely,-

"The fund shall be vested and deemed to have always vested in the State. The fund shall be operated by the Board based on or according to the directions given by the State from time to time. All receipts into the said Fund and all payments from the said Fund shall be received and made, and be so deemed to have been received and made by the Board on behalf of the State."

(2) In sub-section (2), for the words "the Central Government or State Government", the words "any Government" shall be substituted.

(3) In sub-section (4), the following words shall be added at the end, namely,-

"and to pay any deficit in the Fund".

(4) In sub-section (5), for the words "Hyderabad State Bank", the words "State Bank of India" shall be substituted.

(5) sub-section (7) shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 2002.

**Substitu-
tion of
section 59.**

7. In the principal Act, for section 59, the following shall be substituted, namely,-

**Application
of the Fund.** "59. All property, Fund and all other assets held by the Board on behalf of the State shall be applied by the Board for the purpose of this Act and in accordance with the provisions of this Act."

**Repeal of
Ordinance
1 of 2021.**

8. The Telangana Housing Board (Amendment) Ordinance, 2021 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The State of Telangana has adapted the Andhra Pradesh Housing Board Act, 1956 (Act No.XLVI of 1956) to provide measures to be taken to deal with and satisfy the need of housing accommodation;

And whereas, the said Act established a Housing Board and conferred on it various governmental powers and privileges to discharge the State's obligation of providing housing;

And whereas, the Housing Board had been subjected to total control of the State under various provisions of the Act while discharging its functions of providing housing;

And whereas, the State has transferred land to the Housing Board from time to time to enable Housing Board to discharge its obligation of providing housing on behalf of the State;

And whereas, the Housing Board has been functioning as an agent and extended arm of the State of Telangana for the purpose of discharging the State's obligation of providing housing;

And whereas, there is a pressing need for providing housing accommodation and development of housing infrastructure in the State of Telangana;

And whereas, there is a need to amend the said Act to clarify on the status of the Housing Board established under the Act No.XLVI of 1956;

As it has been decided to take action immediately and as the Legislature of the State was not then in session having been prorogued, it has become imperative for the Government to bring the amendments to the Telangana Housing Board Act, 1956 (Act No.XLVI of 1956) by way of an Ordinance and accordingly the Governor promulgated the Telangana Housing Board (Amendment) Ordinance, 2021 (Telangana Ordinance No.1 of 2021) on the 25th June, 2021 and the same has been published in the Telangana Gazette dated the 25th June, 2021.

This Bill seeks to replace the said Ordinance.

VEMULA PRASHANTH REDDY,
Minister for Roads & Buildings,
Legislative Affairs and Housing.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN
THE TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Housing Board (Amendment) Bill, 2021, after it is passed by both the Houses of State Legislature, may be submitted to the Governor for her assent under Article 200 of the Constitution of India.

VEMULA PRASHANTH REDDY,
Minister for Roads & Buildings,
Legislative Affairs and Housing.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.