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AMARAVATI, MONDAY, 12th NOVEMBER, 2018.

**ANDHRA PRADESH ACTS, ORDINANCES AND
 REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 1st November, 2018 and the said assent is hereby first published on the 12th November 2018 in the Andhra Pradesh Gazette for general information :-

ACT No. 33 of 2018

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH HOUSING BOARD ACT, 1956.

Whereas, the Legislature of the State of Andhra Pradesh enacted the Andhra Pradesh Housing Board Act, 1956 (Act No. 46 of 1956) to provide for measures to be taken to deal 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 to various sections of the society;

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 Andhra Pradesh for the purposes of discharging the State's obligation of providing housing;

And whereas, there is a need to amend the said Act to further clarify on the status of the Housing Board established under the Act No. 46 of 1956;

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-ninth year of the Republic of India as follows, -

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Housing Board (Amendment) Act, 2018.
- (2) Sub-section (5) of Section 6 shall be deemed to have come into force with effect on and from 01.04.2002.
- (3) Remaining provisions of this Act shall be deemed to have come into force with effect on and from 01.01.2000.

Amendment of Preamble, Act No.46 of 1956.

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

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

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

And whereas, the Andhra Pradesh Housing Board was established under the Act as an agent and an extended arm to the State by discharging the duty of the State for providing housing to the various classes of the people including poor, low income and the middle income groups, in particular, people belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Minority Communities;

And whereas, various governmental powers and privileges have been conferred on the Andhra Pradesh 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/transactions on behalf of the State for the purpose of providing housing to the needy and developments of housing infrastructure;

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

Accordingly, the Board is vested with the various powers and privileges of the State to discharge the responsibility of the State for providing housing accommodation".

3. In the Principal Act, in Section 3,-

Amendment
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) Notwithstanding any other provision in the Act or any other law, for the time being in force, the Board shall hold and be deemed to have held all movable and immovable property and all funds 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 purpose of Sections 13, 14 and 15 or any other provision relating to contracts under 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."

Amendment
of Section 4.

4. In the principal Act, in section 4, for sub-section (1), the following shall be substituted, namely, -

“(1) The Board shall consist of the following members, namely,-

- (a) The chairman to be appointed by the Government;
- (b) The Secretary/Principal Secretary/Special Chief Secretary to Government, Municipal Administration and Urban Development Department;
- (c) The Vice Chairman and Housing Commissioner, Ex-Officio;
- (d) The Managing Director, Andhra Pradesh State Housing Corporation Limited.
- (e) The Managing Director, Andhra Pradesh Township and Infrastructure Development Corporation Limited;
- (f) The Commissioner, Capital Region Development Authority;
- (g) The Mission Director, Mission for Elimination of Poverty in Municipal Areas;
- (h) The Additional Secretary/Joint Secretary/Deputy Secretary, Municipal Administration and Urban Development Department;
- (i) An officer of the Finance Department to be nominated by the Government;
- (j) The Chief Engineer, Andhra Pradesh Housing Board, Ex-Officio;
- (k) The Chief Engineer/Engineer-in-Chief (Public Health), Ex-Officio;
- (l) The Chief-Engineer / Engineer-in-Chief(Buildings), Ex-Officio ;
- (m) The Director of Town & Country Planning, Ex-Officio;
- (n) The Commissioner and Director of Municipal Administration, Ex-Officio;
- (o) The Additional Secretary/Joint Secretary/Special Secretary, Energy Department;
- (p) The Commissioner, Municipal Corporation of Vijayawada, Ex-Officio;
- (q) The Vice Chairman of the Visakhapatnam Urban Development Authority;
- (r) The Regional Chief / Executive Director, Housing and Urban Development Corporation;
- (s) Two Members to be nominated by the Government each to represent the Coastal Andhra and Rayalaseema regions of the State;
- (t) Any other Member(s) appointed by the Government.”

5. In the principal Act, in Section 55, for sub-section (4), the following shall be substituted, namely,-
- Amendment of Section 55.
- “(4) For the purpose of this Chapter, the Appellate Authority shall be the District Judge within whose jurisdiction such premises are situated.”.
6. In the principal Act, in Section 58,-
- Amendment of 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” shall be substituted.
- (5) sub-section (7) shall be omitted.
7. In the Principal Act, for Section 59, the following shall be substituted, namely, -
- Amendment of Section 59.
- “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.”.
8. In the Principal Act, in Section 63, in sub-section (3), the following shall be added at the end, namely,-
- Amendment of Section 63.
- “The audited accounts shall be laid before each house of the State Legislature as soon as may be after they are received by State Government.”.
9. In the Principal Act, in Section 64, in sub-section (1), the following shall be added at the end, namely, -
- Amendment of Section 64.
- “The audited accounts shall be laid before each house of the State Legislature as soon as may be after they are received by State Government.”.
10. The Andhra Pradesh Housing Board (Amendment) Ordinance, 2018 is hereby repealed.
- Repeal of Ordinance No.6 of 2018.

DUPPALLA VENKATARAMANA,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.