



Public Information Officer
Odisha Legislative Assembly

THE ODISHA HOUSING BOARD (AMENDMENT) BILL, 2021

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BILL

FURTHER TO AMEND THE ODISHA HOUSING BOARD ACT, 1968.

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

Short title.

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

Amendment of section 2.

2. In the Odisha Housing Board Act, 1968 (hereinafter referred to as the principal Act), in section 2, for clause (f), the following clause shall be substituted, namely: —

Odisha Act 11
of 1968.

“(f) “Competent authority” means the Managing Director appointed under sub-section (3) of section 10;”.

Amendment of section 3.

3. In the principal Act, in section 3, —

(a) in subsection (2), for clause (a), the following clause shall be substituted, namely: —

“(a) the Managing Director, ex-officio member;”;

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(b) in sub-section (5), for the words "Any members" appearing in the opening line, the words "Any unofficial member" shall be substituted; and

(c) in sub-section (6), for the expression "the land Acquisition Act, 1894" and "1 of 1894", the expression "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and "30 of 2013" shall respectively, be substituted.

Amendment of
section 4.

4. In the principal Act, for section 4, the following section shall be substituted, namely:-

"4. The State Government may, from time to time, grant leave of absence to the Chairman for any period as admissible under the rules and during such absence on leave, the Managing Director shall act as the Chairman until the State Government appoints any person to act as the Chairman during the period of said leave and while so acting, the Managing Director or the person so appointed, as the case may be, shall be deemed to be the Chairman for all purpose of this Act."

Amendment
of section 5.

5. In the principal Act, in section 5, in the proviso to sub-section (1), for the words "Housing Commissioner", the words "Managing Director" shall be substituted.

Amendment of
section 10.

6. In the principal Act, in section 10, —
(a) for sub-sections (1) and (2), the following sub-section shall be substituted, namely : —

"(1) The Board shall have a Managing Director, one or more Additional Director, Joint director, Deputy Director, Assistant Director, a Chief Accounts Officer and such other officers and employees as the Board may consider necessary for efficient performance of its functions.



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(2) The State Government may appoint any person to be the Secretary of the Board and discharge such functions as may be assigned by the Board and the Managing Director.”;

(b) in sub-section (3), for the words and the comma “Housing Commissioner, Assistant Housing Commissioner”, the words and commas “Managing Director, Additional Director; Joint Director, Deputy Director, Assistant Director” shall be substituted ; and

(c) in sub-section (5), for the words and commas “Housing Commissioner, Assistant Housing Commissioner,”, the words and commas “Managing Director, Additional Director, Joint Director, Assistant Director,” shall be substituted.

Insertion of new section 10A.

7. In the principal Act, after section 10, the following section shall be inserted, namely: —

“Supervisory power of Managing Director.”

10A. Subject to the provisions of the Act and the rules, the Managing Director shall have the power of supervision and control over the officers and employees of the Board.”.

Amendment of section 13

8. In the principal Act, in section 13, in sub-section (2), —

(i) for clause (a), the following clause shall be substituted, namely:-

“(a) the Chairman may, whenever he thinks fit, or on the written request made by the Managing Director, call for special meetings;” and

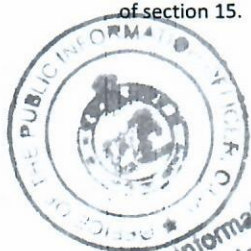
(ii) for clause (c), the following clause shall be substituted, namely: —

“(c) every meeting shall be presided over by the Chairman and in his absence, by the Managing Director to preside for the occasion;”.

Amendment of section 15.

9. In the principal Act, in section 15, —

(a) in sub-section (1), for the word “Chairman” appearing in opening portion, the words “Managing Director” shall be substituted; and



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Amendment of
section 16.

(b) in sub-section (3), for the words "the chairman", the words "the Managing Director" shall be substituted.

Amendment of
section 33.

10. In the principal Act, in section 16, in sub-section (1), for the words "the Chairman or", the words "the Chairman or the Managing Director or" shall be substituted.

Amendment of
section 50.

11. In the principal Act, in section 33, in sub-section (2), for the expression "the Land Acquisition Act, 1894" and "1 of 1894", the expression "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and "30 of 2013" shall, respectively, be substituted.

Amendment
of section 54.

12. In the principal Act, in section 50, for sub-section (6), the following sub-section shall be substituted, namely: —

"(6) Such account shall be operated by the Managing Director or by such officer duly authorised by the Managing Director."

Amendment
of section 59.

13. In the principal Act, in section 54, for sub-section (4), the following sub-section shall be substituted, namely: —

"(4) Every debenture shall be signed by the Managing Director and counter signed by the Chairman or in his absence, any other member duly authorized by the Board."

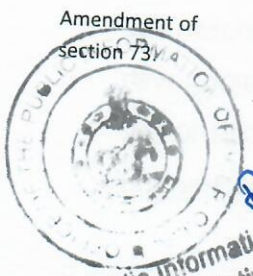
Amendment
of section 69.

14. In the principal Act, in section 59, for the word "Chairman", wherever it occurs, the word "Managing Director" shall be substituted.

15. In the principal Act, in section 69, for the words and comma "The competent authority and all members,", the words and commas "The Chairman, the Managing Director, all other members, the competent authority," shall be substituted.

Amendment of
section 73.

16. In the principal Act, in section 73, for the word "Chairman", wherever it occurs, the words "Managing Director" shall be substituted.



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STATEMENT OF OBJECTS AND REASONS

The Odisha Housing Board Act, 1968 was enacted with an objective of establishing the Odisha State Housing Board for creation of housing stock in the state and to provide for matters ancillary and incidental thereto. The Act was lived 50 years. In the meantime, urbanisation has gained pace and so has the demand for housing. While the urban population is growing exponentially, the expansion of geographical areas of towns is taking place at a relatively lower rate, which is leading to a visible reduction in availability of the per-capita dwelling space. The price of living spaces are skyrocketing, which has a cascading effect of marginalising the poor and vulnerable.

The housing projects in modern times should therefore be able to offset the impact of shrinkage of living space and should have features which might ensure social and financial inclusivity in order to provide roofs to the urban poor at affordable prices. These projects will also have to adopt Disaster Resilient designs and technology to neutralise the impacts of Climate Change. Since the Private Sector is by and large driven by market forces, it does not adequately address the issue of affordable housing for people belonging to Economically Weaker Section of the Society and the Lower Income Group. The Government organisations have to carve a niche for themselves in this segment of housing.

Odisha Housing Board, being a premier Government organization, operating in housing sector, is positioned perfectly to create housing stock at affordable prices. For the Board to achieve this objective however, it has to be aligned to some modern administrative practices, which will make it adept to contemporary demands. Opportunities for PPP models and other successful models of housing have to be explored. The Board has to function like a professional entity. A system is required to be evolved which will ensure that the executive wing of the Board has the right insight to excel its performance and is capable of sharing the responsibility of the Chairman. The executive wing needs to work with greater discipline and has to be made more accountable to the Board. Unlike the existing system, where the Housing Commissioner is responsible for only the management of official business, the executive head should be made accountable for execution of the projects along with office management. Besides, suitable changes are required to be introduced to the Act to provide the Executive Head with necessary support for efficiently discharging



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his functions. He has to be vested with the authority to effectively supervise and monitor the works of all the officers of the Board so that the Board works with a greater sense of purpose.

With the foregoing objectives in view, amendments have been proposed to provide for, *inter alia*, the following:

- i. Introduction of the post of Managing Director of the Board to replace the Housing Commissioner.
- ii. Designation of Assistant Housing Commissioners as Additional Directors, Joint Directors, Deputy Directors and Assistant Directors depending upon the level of their responsibility.
- iii. Changes in practices of office management to ensure that everyone contributes both individually and collectively to the objectives of the Board and everyone is made accountable for the performance of the Board.
- iv. Introduction of a more explicit definition of the Competent Authority and its roles and responsibilities.
- v. Other such consequential changes as are required for effecting the foregoing amendments.

The Bill seeks to achieve the above objectives.

PRATAP JENA
(Member-in-charge)



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ANNEXURE

[Extract taken from the Odisha Housing Board Act, 1968
(Odisha Act No. 11 of 1968)]

Definitions	2.	X	X	X	X	X	X	X	X	X	X	X
Competent Authority	(f) means any person authorised by the State Government, by notification, to perform the functions of the competent authority under Chapter VI within such area as may be specified in the notification ;	X	X	X	X	X	X	X	X	X	X	X
Competent Authority	3.	X	X	X	X	X	X	X	X	X	X	X
	(2)	X	X	X	X	X	X	X	X	X	X	X
	(a) the Housing Commissioner, <i>ex officio</i> member; and											
	(b)	X	X	X	X	X	X	X	X	X	X	X
	(3)	X	X	X	X	X	X	X	X	X	X	X
	[(4)	X	X	X	X	X	X	X	X	X	X	X.]
	(5) Any member of the Board may at any time resign his Office by submitting his resignation to the State Government : Provided that the resignation shall not take effect until it is accepted.											
	(6) For the purpose of this Act and the Land Acquisition Act, 1894 the Board shall be deemed to be a local authority.											
Leave of absence of Chairman.	4. The State Government may, from time to time, grant to the Chairman such leave as may be admissible under the rules and any person whom the State Government may appoint to act for the Chairman during such absence on leave shall, while so acting, be deemed for all purposes of this Act to be the Chairman.											
Disqualification for appointment on Board.	5. (1) A person 2[shall be disqualified for being appointed as] the Chairman or any other member of the Board, if he-											
	(a) holds any office or place of profit under the Board;											
	(b) is of unsound mind and stands so declared by a competent Court;											
	(c) is an undischarged insolvent;											
	(d) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment with, by or on behalf of the Board;											



(e) is a Director or a Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board; or

(f) has been convicted of any offence involving moral turpitude :

Provided that nothing contained in Clause (a) shall apply to the Housing Commissioner.

- (2) X X X X X X X X X X X X
- (3) X X X X X X X X X X X X

Officers and employees of the Board.

10. (1) The Board shall have a Housing Commissioner, one or more Assistant Housing Commissioners, a Chief Accounts Officer and such other officers and employees as the Board may consider necessary for the efficient performance of its functions.

(2) The Housing Commissioner shall be the Secretary to the Board.

(3) The appointment of the Housing Commissioner, Assistant Housing Commissioners and the Chief Accounts Officer shall be made by the State Government and the appointment of other officers and employees of the Board shall be made by the Board :

Provided that the Board shall not appoint any officer in the scale, of pay the maximum of which exceeds five hundred rupees a month without obtaining previous sanction of the State Government.

- (4) X X X X X X X X X X X X

(5) The salary and other conditions of service of the Housing Commissioner, Assistant Housing Commissioners, Chief Accounts officer and other officers and employees of the Board shall be such as may be prescribed.

Meeting of the Board.

- 13. - (1) X X X X X X X X X X X X
- (2) X X X X X X X X X X X X

(a) the Chairman may whenever he thinks fit, call for special meetings;

(b) X X X X X X X X X X X X

(c) every meeting shall be presided over by the Chairman and in his absence, by any member elected by the members present at the meeting to preside for the occasion;

- X X X X X X X X X X X X



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Execution of contracts.

15. (1) Every contract shall be made on behalf of the Board by the Chairman:

X X X X X X X X X X X

(2) X X X X X X X X X X X

(3) Every contract made by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(4) X X X X X X X X X X

Delegation of Board's power to sanction contract.

16. (1) Subject to any rules that may be made in mat behalf, the Board may, by order, delegate any of its powers under Section 15 to the Chairman or to any other officer of the Board.

(2) X X X X X X X X X X

Power to purchase or take lease by agreement.

33. - (1) X X X X X X X X X X

(2) The Board may with the previous approval of the State Government also take steps for the compulsory acquisition of any land or any interest therein required for the execution of any housing scheme in the manner provided in the Land Acquisition Act, 1894 and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

1 of 1894

Board's Fund.

50. -

X X X X X X X X X X X

(6) Such account shall be operated upon by such officers as may be authorised by the Board.

Explanation - For the purposes of this section, the Reserve Bank of India shall mean the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 and a Scheduled Bank shall mean a Bank included in the Second Schedule to the said Act.

2 of 1934

Power of Board to borrow.

54.

X X X X X X X X X X X

(4) Every debenture, shall be signed by the Chairman and one other member of the Board.

(5) X X X X X X X X X X

59. The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order-

Power of entry.



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Certain
Public to be
Public
Servant

X X X X X X X X X X X X
69. The competent authority and all members, officers and employees of the Board shall when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

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Registration
of documents
executed on
behalf of
Board.

73. (1) Notwithstanding anything contained in the Indian Registration Act, 1908 it shall not be necessary for the Chairman to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity on behalf of the Board or to sign as provided in Section 58 of that Act.
(2) Where any instrument is so executed, the registration officer to whom such instrument is presented for registration may, if he thinks fit, refer to the Chairman for information respecting the same, and on being satisfied of the execution thereof, shall register the instrument.

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