

Thirteenth Kerala Legislative Assembly

Bill No. 106

THE KERALA PANCHAYAT RAJ (AMENDMENT) BILL, 2012

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[Translation in English of “2012-ലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

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further to amend the Kerala Panchayat Raj Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Panchayat Raj Act, 1994 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 Panchayat Raj (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 1st day of November, 2010.

2. *Amendment to section 159.*—In the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act), in sub-section (1) of section 159, for the words “three months”, the words “fifteen months” shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Panchayat Raj (Amendment) Ordinance, 2012 (30 of 2012) is hereby repealed.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

In sub-section (1) of section 159 of the Kerala Panchayat Raj Act, 1994, (13 of 1994) it has been provided that a member of the Panchayat shall, within three months from the date of assuming his office, submit a statement of assets and liabilities of himself and other members of his family, in the form prescribed, to the competent authority authorised by the Government by notification in this behalf. But, the fact has come to the notice of the Government that as this time limit is very short, many of the members of Panchayat in the State could not

submit their statement of assets within this time limit. As it is the first election held after enhancing the reservation of women to fifty percent and the members including women members were engaged in the developmental activities of their wards, they could not, within the said short period of time, submit the statement of assets. Therefore, in order to avoid the elected members who could not submit the statement of assets within the fixed time limit from being disqualified, the Government have decided to amend the said Act by extending the time limit of “within three months” in the said section to “fifteen months”.

2. For the above purpose, the Kerala Panchayat Raj (Amendment) Bill, 2011 was published as Bill No. 55 of the Thirteenth Kerala Legislative Assembly. But, the same could not be introduced in, and passed by, the Legislative Assembly.

3. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Panchayat Raj (Third Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on the 18th day of November, 2011 and the same was published as Ordinance No. 48 of 2011 in the Kerala Gazette Extraordinary No. 2174 dated 18th November, 2011.

4. 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 9th day of December, 2011 and ended on the same day.

5. In order to keep alive the provisions of the said Ordinance, the Kerala Panchayat Raj (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 17th January, 2012 and the same was published as Ordinance No. 4 of 2012 in the Kerala Gazette Extraordinary No. 114 dated 17th January, 2012.

6. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 84 of 13th Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during the session which commenced on the 1st day of March, 2012 and ended on the 23rd day of March, 2012.

7. In order to keep alive the provisions of said Ordinance, the Kerala Panchayat Raj (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. 30 of 2012 in the Kerala Gazette Extraordinary No. 732 dated 11th April, 2012.

8. This Bill seeks to replace Ordinance No. 30 of 2012 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.

M. K. MUNEER.

EXTRACT OF RELEVANT PORTIONS FROM THE
KERALA PANCHAYAT RAJ ACT, 1994

(13 OF 1994)

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159. *Panchayat members, to submit statements regarding Assets.*—(1) A member of the panchayat shall, within three months from the date of assuming his office, file a statement of assets and liabilities of himself and of the members of his family, in the form prescribed before the competent authority authorised in this behalf by the Government by notification in the Gazette:

Provided that, a person who is a member of the Panchayat at the commencement of this Act shall submit such a statement to the competent authority, before the date specified by the Government in this behalf.

(2) Where a member of the Panchayat who filed a statement under sub-section (1) acquires any asset in the name of himself or other members of his family or disposes or creates any liability thereafter on the assets specified in the statement, he shall file a statement in this regard to the competent authority within three months from the date of such acquisition or disposal or creation of liability, as the case may be.

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