

Thirteenth Kerala Legislative Assembly  
Bill No. 337

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**THE KERALA PANCHAYAT RAJ (AMENDMENT) BILL, 2015**

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451/2015.

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**THE KERALA PANCHAYAT RAJ (AMENDMENT)**

**BILL, 2015**

**A**

**BILL**

*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-sixth 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, 2015.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act) for clause (via) the following clause shall be substituted, namely:—

“(vi a) ‘committee or samithi’ means a standing committee constituted under this Act or any other committee or samithi constituted by the Panchayat for any specific purpose;”.

3. *Amendment of section 35.*—After clause (r) of sub-section (1) of section 35 of the principal Act, the following clause shall be inserted, namely:—

“(s) has failed consecutively for three times from the date of constitution of the ward level jagratha samithi in a constituency, to convene the monthly meeting of the said ward level jagratha samithi, of which he is the Convenor, in the prescribed manner”.

4. *Amendment of section 163.*—In sub-section (1) of section 163 of the principal Act, after the words “and education” the words “education and safety of women and children” shall be inserted.

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5. *Amendment of section 164.*—After section 164 of the principal Act, the following section shall be inserted, namely:—

“164A. *Constitution of Jagratha samithi.*—(1) Every Village Panchayat shall, within ninety days from the date of commencement of the Kerala Panchayat Raj (Amendment) Act, 2015, constitute jagratha samithis, which shall function at each village panchayat level and constituency level, to prevent atrocities and infringement of rights against women and children within the limits of that village panchayat, to uplift their status and dignity and to ensure safety.”

(2) The samithi constituted at the village panchayat level shall be known as village panchayat level jagratha samithi and the samithi constituted in constituency shall be known as ward level Jagratha samithi.

(3) The Chairman of the village panchayat level Jagratha samithi shall be the President of the Panchayat and his function shall be to convene the meetings and to preside over the meetings.

(4) The Convenor of the ward level jagratha samithi shall be the member of the village panchayat representing that constituency and the function of the said member shall be to convene the meetings and to preside over the meetings.

(5) The meetings of the ward level jagratha samithi and village panchayat level jagratha samithi shall be convened at least once in every month and the interval between two meetings shall not exceed thirty days.

6. *Amendment of section 254.*—After clause (x) of sub-section (2) of section 254 of the principal Act, the following clause shall be inserted, namely:—

“(xa). as to the constitution of jagratha samithis in village panchayat level and constituency level in village panchayat and to prescribe their composition, functions and responsibilities.”

7. *Amendment to the Schedule.*—In the THIRD SCHEDULE of the principal Act, under the heading “Functions of Village Panchayats”, under the sub-heading “C. sector-wise functions”, in item XIII, the following sub-item shall be inserted as sub-item 6, namely:—

“6. Constitute and operate jagratha samithis at village panchayat level and constituency level.”

#### STATEMENT OF OBJECTS AND REASONS

Government have decided to amend sections 2, 35, 163, 164, 254 and Third Schedule of the Kerala Panchayat Raj Act, 1994 suitably for constituting Jagratha samithis at constituency level and village panchayat level in order to ensure the safety of women and children, to prevent atrocities and infringement of rights against the women and children and to uplift their status and dignity.

This Bill is intended to achieve the above objects.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 164A proposed to be inserted by clause 5 of the Bill seeks to empower the Government to constitute jagratha samithis at constituency level and village panchayat level to ensure the safety of women and children, to prevent atrocities and infringement of rights against women and children, to uplift their status and dignity and to ensure their safety.

2. Clause (xa) of sub-section (2) of section 254 proposed to be inserted by clause 6 of the Bill seeks to empower the Government to prescribe the composition, functions and responsibilities of jagratha samithis constituted under clause 5 of the Bill.

3. The matters in respect of which rules may be made are matters of procedure and are of routine or administrative nature. Further, the rules after they are made will be subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

DR. M. K. MUNEER

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

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2. *Definitions.*—In this Act, unless the context otherwise requires,—

(i) 'article' means an article of the Constitution of India.

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(via) 'Committee' means a Standing Committee constituted under this Act or any other committee constituted by the Panchayat for any specific purpose.

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35. *Disqualifications of members.*—(1) Subject to the provisions of section 36 or section 102, a member shall cease to hold office as such, if he,—

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(r) failed to enter upon office within the time limit specified in sub-section (13a) of section 153;

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163. *Constitution of Functional Committees.*—(1) Every Panchayat may subject to such rules as may be made in this behalf, constitute Functional Committees for different subjects like agriculture, sanitation, communication, public health and education, consisting of members of Panchayat and others who are interested in public welfare and who are nominated by the Panchayat.

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164. *Sub-Committees and Ward Committees.*—(1) Every Panchayat may constitute sub-committees to assist the Standing Committee or Functional Committees for the execution of any work, scheme, project or plan, which may consist of members of the Panchayat and others interested in public welfare who may be nominated by the Panchayat:

Provided that the nominated members shall have no right to vote.

(1a) If not less than fifty persons enrolled in the voters list relating to a constituency of Village Panchayat belongs to Scheduled Tribe, they shall be deemed to be a Sub-Committee of the Grama Sabha comprised in the territorial area of that Constituency and that sub-committee shall have the same powers and rights as that of the Grama Sabha regarding the development of Scheduled Tribe.

(2) The Village Panchayat may constitute Ward Committee for each constituency with the member of the constituency concerned and other local inhabitants who may be nominated by the Village Panchayat to study and report on the needs of the constituency.

(3) The composition, term, procedure, nature of functions of the committees constituted under sub-section (1) and sub-section (2) shall be as laid down in the bye-laws of the Panchayat concerned.

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254. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively to carry out all or any purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules,—

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(x) as to the constitution of Standing Committees and Functional Committees of Panchayats, the inclusion of outsiders therein and the delegation of functions to such committees;

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(xi) as to the preparation of plans and estimates for works and the power of Panchayats and of officers of the Central or State Government to accord technical or administrative sanction to estimates;

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THIRD SCHEDULE

[see Sub-section (1) of Section 166]

FUNCTIONS OF VILLAGE PANCHAYATS

A. Mandatory Functions'

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C. Sector-wise functions

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XIII. Social Welfare

5. Implementation of Group Insurance Scheme for the poor.

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