

**Twelfth Kerala Legislative Assembly
Bill No. 327**

**THE KERALA PANCHAYAT RAJ (AMENDMENT)
BILL, 2010**

509/2010.

[Translation in English of “2010-ലെ കേരള പഞ്ചായത്ത് രാജ് (അഭ്യന്തര) ബിൽ” published under the authority of the Governor.]

THE KERALA PANCHAYAT RAJ (AMENDMENT) BILL, 2010

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BILL

Further to amend the Kerala Panchayat Raj Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Panchayat Raj Act, 1994 (13 of 1994) for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first 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, 2010.

(2) It shall come in to force at once.

2. *Amendment of section 154.*—In section 154 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Where the President or Vice-President of a Panchayat refuses to hand over charge of his office or any documents or any moneys or other properties vested in, or belonging to the Panchayat which are in or has come into his possession or control, to his successor in office or other prescribed authority as soon as his term of office as President or Vice-President expires and in the case of the Vice-President also on demand by the President, such President or Vice-President shall, on conviction be punished with fine not exceeding ten thousand rupees for such offence.”.

STATEMENT OF OBJECTS AND REASONS

In sub-section (3) of section 512 of the Kerala Municipality Act, 1994 it is provided that where the Chairperson or Deputy Chairperson of a Municipality

refuses to hand over any documents or any moneys or other properties which are in his possession, to his successor in office or other prescribed authority as soon as his term of office as Chairperson or Deputy Chairperson expires and in the case of the Deputy Chairperson on demand by the Chairperson, such Chairperson or Deputy Chairperson shall, on conviction be punished with fine not exceeding ten thousand rupees for such offence. It has come to notice that due to the non-inclusion of such a provision in the Kerala Panchayat Raj Act, 1994 the Presidents and the Vice-Presidents of many Panchayats who had vacated their offices are not vigilant in the timely return of the documents in their possession, Government have decided to amend the Kerala Panchayat Raj Act by inserting a provision similar to sub-section (3) of section 512 of the Kerala Municipality Act, 1994 in section 154 of the Kerala Panchayat Raj Act, 1994.

2. In order to achieve the above object, this Bill is intended to make amendment in the Kerala Panchayat Raj Act, 1994.

FINANCIAL MEMORANDUM

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

PALOLI MUHAMMED KUTTY

(True Translation)

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

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154. *Duty of Retiring President, etc., to hand over charge of office.*—(1)
On the election of a new President or Vice-President, it shall be the duty of the retiring President or, as the case may be, Vice-President to hand over to him the charge of the respective office and deliver to him the record and property belonging to the Panchayat concerned and in the latter's custody.

(2) The provisions of sub-section (1) shall apply *mutatis mutandis* to a retiring member in the matter of handing over of charge of his office.

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