

Twelfth Kerala Legislative Assembly
Bill No. 334

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

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

THE KERALA PANCHAYAT RAJ (THIRD 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 (Third Amendment) Act, 2010.

(2) It shall come into force at once.

2. *Amendment of section 235 AB.*—In sub-section (1) of section 235 AB of the Kerala Panchayat Raj Act, 1994 (13 of 1994) for the words and figures” “15th October, 1999”, the words and figures “31st December, 2008” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 235AB of the Kerala Panchayat Raj Act, 1994 provides for regularising the unlawful building constructions carried out up to 15th October, 1999 on realisation of a fixed compounding fee subject to conditions. Heavy loss is being caused to the Local Self Government Institutions under the item of property tax, as many buildings constructed unlawfully after the said date remains to be regularised. In order to avoid the circumstance of non-realisation of the amount due to the Local Self Government Institutions under the item of tax and to strictly prohibit the subsequent unlawful construction of building, Government consider it necessary that such kind of building constructions are to be regularised. Therefore, Government have decided to regularise the unlawful construction of buildings carried out up to 31st December, 2008 subject to conditions.

This Bill seeks to amend sub-section (1) of section 235AB of the Kerala Panchayat Raj Act so as to achieve this object.

FINANCIAL MEMORANDUM

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

PALOLI MOHAMMED KUTTY

(True Translation)

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

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235 AB. *Power to regularise the unlawful building construction.*—(1) Notwithstanding anything contained in this Act, if any person or institution unlawfully developed any land or constructed any building on or before 15th October, 1999 the Government may, on realisation of a compounding fee as prescribed, regularise such land development or building construction :

Provided that such regularisation shall not adversely affect any planning scheme or master plan, approved under the existing provisions of the Town Planning Act:

Provided further that no building construction shall be regularised, which is done in contravention of the provisions in respect of the security arrangements provided in this Act, or the building rules made thereunder.

(2) Application for regularisation under sub-section (1) shall be submitted within such time and in such manner as prescribed.

Explanation.—For the purpose of this Act, unlawful construction means any construction for which the Secretary shall have no power to regularise under section 235W of this Act or any construction or re-construction done in contravention of the provision of this Act or the building rules made thereunder or in contravention of any approved plan or any construction done in deviation of any exemption order sanctioned by the Government or any condition specified therein.

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