

Twelfth Kerala Legislative Assembly  
Bill No. 335

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**THE KERALA MUNICIPALITY  
(AMENDMENT) BILL, 2010**

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2010

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

**THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2010**

**A**

**BILL**

*further to amend the Kerala Municipality Act, 1994.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 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 Municipality (Amendment) Act, 2010.

(2) It shall come into force at once.

2. *Amendment of section 407.*—In sub-section (1) of section 407 of the Kerala Municipality Act, 1994 (20 of 1994), for the word, letters, figures and symbol “15th October, 1999”, the word, letters, figures and symbol “31st December, 2008” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

Sub-section (1) of section 407 of the Kerala Municipality Act, 1994 provides for regularisation of unlawful building construction carried out up to 15th October, 1999 on realisation of a fixed compound fee subject to conditions. Heavy loss is being caused to the Local Self Government Institutions under the item of property tax as many buildings unlawfully constructed 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 building construction, Government consider it necessary to regularise such building constructions. Therefore, Government have decided to regularise the unlawful building construction carried out up to 31st December, 2008 subject to conditions.

This Bill seeks to amend sub-section (1) of section 407 of the Kerala Municipality Act so as to achieve this object.

FINANCIAL MEMORANDUM

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

PALOLI MOHAMMED KUTTY

(True Translation)

## EXTRACT FROM THE KERALA MUNICIPALITY ACT, 1994

(20 OF 1994)

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407. *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 after consultation with the concerned Municipality on realisation of a compounding fee as prescribed, regularise such land development or building construction :

Provided that such regularisation shall not adversely affect any Town 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 there under :

(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 406 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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