

Twelfth Kerala Legislative Assembly
Bill No. 341

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

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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 (Third Amendment) Act, 2010.

(2) It shall come into force at once.

2. *Amendment of section 86.*—In sub-section (1) of section 86 of the Kerala Municipality Act, 1994 (20 of 1994), the existing Explanation shall be numbered as “Explanation 1” and after the Explanation 1 so numbered, the following Explanation shall be inserted, namely:—

“Explanation 2.—For the purpose of this section, the part-time employees and those who receive honorarium shall be deemed to be employees.”.

STATEMENT OF OBJECTS AND REASONS

As per section 86 of the Kerala Municipality Act, 1994 (20 of 1994) the officers and employees of the Local Self Government Institutions are not qualified for being elected as Councillor of a Municipality. Though the employees of the anganwadis and balawadis under certain Local Self Government Institutions in the State have been elected as members of the Local Self Government Institutions, the Government consider that they are employees not qualified to be elected as such. Therefore, the Government intend to amend section 86 of the said Act by incorporating an explanation to the effect that part-time employees and those who receive honorarium shall be deemed to be employees for the purpose of the said section.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

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

PALOLI MOHAMMED KUTTY

(True Translation)

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
MUNICIPALITY ACT, 1994
(20 OF 1994)

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86. *Disqualification of officers and employees of Government, local authorities etc.*—(1) No officer or employee in the service of a State or Central Government or a local authority or a Corporation owned or controlled by a State or the Central Government or of a company in which a State or Central Government or local authority has not less than fifty-one per cent share or of Boards or any University established under a State enactment shall be qualified for election as or for holding the office of Councillor of a Municipality.

Explanation.—For the purpose of this section, company means a Government Company as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956) and includes a Co-operative Society registered or deemed to have been registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969).

(2) Any officer or employee referred to in sub-section (1) who has been dismissed for corrupt practices or disloyalty shall be disqualified for a period of five years from the date of such dismissal for election as, or for holding office of, Councillor of a Municipality.

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