

THE KERALA PANCHAYAT RAJ (FIFTH 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 (Fifth Amendment) Act, 2010.

(2) It shall come into force at once.

2. *Amendment of section 30.*—In sub-section (1) of section 30 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the existing explanation shall be numbered as “Explanation 1” and after 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 30 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the officers and employees of the Local Self Government Institutions are not qualified for being elected as member of Panchayat at any level. Though the employees of the anganwadis and balawadis under Panchayats have been elected as members of Local Self Government Institutions, the Government consider those employees as not qualified to be elected as members of Local Self Government institutions. Therefore, the Government intend to amend section 30 of the said Act by incorporating an explanation to the effect that the 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  
PANCHAYAT RAJ ACT, 1994  
(13 OF 1994)

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30. *Disqualification of officers and employees of Government, local authorities, etc.*—(1) No officer or employee in the service of the State or Central Government or of a local authority or a corporation controlled by the State or Central Government or of a local authority or any company in which the State or Central Government or a local authority not less than fifty-one percent share or of a Statutory Board or of any University in the State shall be qualified for election or for holding office as a member of a Panchayat at any level.

*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 be 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 corruption or disloyalty shall be disqualified for a period of five years from the date of such dismissal for election or for holding office as a member of a Panchayat at any level.

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