

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 124**

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**THE KERALA PANCHAYAT RAJ (FOURTH AMENDMENT)**  
**BILL, 2012**

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[Translation in English of “2012-ലെ കേരള പഞ്ചായത്ത് രാജ് (നാലാം ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA PANCHAYAT RAJ (FOURTH AMENDMENT)**

**BILL, 2012**

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*further to amend the Kerala Panchayat Raj Act, 1994.*

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

BE it enacted in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj (Fourth Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 1st day of November, 2010.

2. *Amendment of section 35.*—In clause (p) of sub-section (1) of section 35 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), for the word “twice”, the words “more than twice” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

In most of the Village Panchayats which came into being after the 1st November, 2010, the Grama Sabha could not be convened exactly after February, 2011 due to the existence of the impression that the Grama Sabha should not be convened when the election conduct rules comes into force. As per clause (p) of sub-section (1) of section 35 of the Kerala Panchayat Raj Act, 1994, a member elected to Panchayat will become disentitled to continue in office as a member for the reason that the Grama Sabha was not convened within the time limit. Therefore, in order to remove the disqualification that may so arise, the Grama Panchayat Association had requested to the Government to give legal protection to the members. Through it is not provided in the law that no Grama Sabha shall be held after the declaration of the general election, the Government

consider that, taking into account the practicability in this subject, it will be desirable to give legal protection for exempting the members of the Panchayats who did not convene the meeting of the Grama Sabha during the period in which the conduct rules were in force, from being disqualified under the said clause.

2. In the above circumstances, in order to remove the disqualification that may arise to continue as the member due the reason that the members, of the Village Panchayats could not convene the Grama Sabha, the Government have decided to amend clause (p) of sub-section (1) of section 35 of the said Act by substituting the words 'more than twice' for the word 'twice' and also to give retrospective effect to the said amendment from the 1st day of November, 2010, the date on which the present administrative committees of the Village Panchayats came into force.

3. The Bill is intended 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.

M. K. MUNEER.

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

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35. *Disqualifications of members.*—(1) Subject to the provisions of Section 36 or Section 102, a member shall cease to hold office as such, if he—

(a) is found guilty as described under clause (b) of sub-section (1) of Section 34 or is sentenced for such an offence; or

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(o) is liable, for the loss, waste or misuse caused to the Panchayat; or

(p) has failed, twice consecutively, to convene the meetings of the Grama Sabha, due once in three months, of which he is the convener; or

(q) has failed to file declaration of his assets within the time limit prescribed under Section 159;

(r) failed to retire upon office within the time limit specified in sub-section (13a) of section 153.

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