

**Thirteenth Kerala Legislative Assembly**

**Bill No. 196**

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**THE KERALA MUNICIPALITY (THIRD AMENDMENT)  
BILL, 2013**

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[Translation in English of “2013-ലെ കേരള മുനിസിപ്പാലിറ്റി (മൂന്നാം ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA MUNICIPALITY (THIRD AMENDMENT)**

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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 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-fourth 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, 2013.

(2) It shall come into force at once.

2. *Insertion of new section after section 77.*—In the Kerala Municipality Act, 1994 (20 of 1994), after section 77, the following section shall be inserted, namely:—

“77A. *Special provision for the non-resident Indians to get themselves registered in the electoral roll.*—Notwithstanding anything to the contrary contained in other provisions of this Chapter, any citizen of India as stated in section 20A of the Representation of the People Act, 1950 (Central Act 43 of 1950) shall be entitled to get himself registered as an elector in the electoral roll to the constituency in which his place of residence in India as indicated in his passport is located.”

**STATEMENT OF OBJECTS AND REASONS**

As per the new section 20A inserted in the Representation of the People Act, 1950 (Central Act 43 of 1950) through the Representation of the People (Amendment) Act, 2010 (36 of 2010), the non-resident Indians had obtained the right to vote in the general election to the Legislative Assembly. The State Election Commission informed the Government that an amendment similar to the said section should be made in the concerned sections of the Kerala Municipality 571/2013.

Act, 1994. In these circumstances, the Government consider that the Kerala Municipality Act, 1994 has to be amended to insert a new section 77A with necessary provisions to give the non-resident Indians the right to get themselves registered as electors in the electoral roll so that they would get the right to vote in the election to the Municipalities at various level, subject to the provisions of section 20A of the Representation of the People Act, 1950.

2. This Bill is intended to achieve the above objects.

#### FINANCIAL MEMORANDUM

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

MANJALAMKUZHI ALI.

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

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77. *Meaning of 'ordinarily resident'*.—(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A member of Parliament or of the State Legislature or President or Vice-President of a Panchayat at any level shall not during the term of his office cease to be ordinarily resident in the constituency, in the electoral roll of which he is registered as an elector, at the time of his election as such member, or President or Vice-President by reason only of his absence from that constituency in connection with his duties as such member or President or Vice-President, as the case may be.

(4) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reasons thereof only be deemed to be ordinarily resident therein.

(5) If in any case a question arises as to whether a person is ordinarily resident at a place at any relevant time, the question shall be determined by the Election Commission with reference to all the facts of the case and to such rules as may be made in this behalf.

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