

Thirteenth Kerala Legislative Assembly

Bill No. 252

**THE KERALA FISHERMEN DEBT RELIEF COMMISSION
(AMENDMENT) BILL, 2013**

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**THE KERALA FISHERMEN DEBT RELIEF COMMISSION
(AMENDMENT) BILL, 2013**

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BILL

to amend the Kerala Fishermen Debt Relief Commission Act, 2008.

Preamble.—WHEREAS, it is expedient to amend the Kerala Fishermen Debt Relief Commission Act, 2008 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 Fishermen Debt Relief Commission (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on the 10th day of April, 2010.

2. *Amendment of section 8.*—In the Kerala Fishermen Debt Relief Commission Act, 2008 (18 of 2008) in section 8,—

(i) in sub-section (3), for the word “three” the word “two” shall be substituted;

(ii) in sub-section (4), for the word “three” the word “two” shall be substituted;

(iii) in sub-section (4), for the proviso the following proviso shall be substituted, namely:—

“Provided that only one member representing fishermen in the Commission shall be included in the Bench so constituted.”.

3. *Repeal and saving.*—(1) The Kerala Fishermen Debt Relief Commission (Amendment) Ordinance, 2013 (41 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (3) of section 8 of the Kerala Fishermen Debt Relief Commission Act, 2008 (18 of 2008) provides that the quorum for the sitting of the Commission shall be three. Sub-section (4) of the said section authorises the Commission to hold sittings in districts by constituting a Bench consisting of three or more members in appropriate cases as it deems fit. But as the number of members of the Commission has been fixed as five, as per sub-section (2) of section 3 of the Kerala Fishermen Debt Relief Commission Act, 2008, it is impossible to hold sittings in districts by constituting a Bench in accordance with sub-sections (3) and (4) of section 8. To constitute a Bench in such manner, the quorum for the sitting has to be reduced from three to two. For this, the Government have decided to make amendment in sub-sections (3) and (4) of section 8 and in the proviso after sub-section (4).

As the Legislative Assembly was not in session and the above proposal had to be given effect to immediately, the Kerala Fishermen Debt Relief Commission (Amendment) Ordinance, 2013 was promulgated by the Governor of Kerala on the 16th day of May, 2013 and was published as Ordinance No. 38 of 2013 in the Kerala Gazette Extraordinary No. 1373 dated the 17th day of May, 2013.

A Bill to replace Ordinance No. 38 of 2013 by an Act of the State Legislature was published as Bill No. 228, but the same could not be introduced in, and passed by the Kerala Legislative Assembly during its session which commenced on the 10th day of June, 2013 and ended on the 9th day of July, 2013. Therefore, in order to keep alive the provisions of the said Ordinance, the Kerala Fishermen Debt Relief Commission (Amendment) Ordinance, 2013 was promulgated by the Governor on the 18th day of July, 2013 and the same was published as Ordinance No. 41 of 2013 in the Kerala Gazette Extraordinary No. 2102 dated the 19th day of July, 2013.

The Bill seeks to replace Ordinance No. 41 of 2013 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

K. BABU.

EXTRACT OF THE RELEVANT PORTIONS FROM THE KERALA
FISHERMEN DEBT RELIEF COMMISSION ACT, 2008
(ACT 18 OF 2008)

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8. *Sitting of the Commission.*—(1) ** **

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(3) The quorum for the sitting of the Commission shall be three.

(4) The Commission may, in appropriate cases as it deems fit, hold sittings in districts by constituting a Bench consisting of three or more members:

Provided that a member representing fishermen in the Commission shall be included in the Bench so constituted.

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