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Fourteenth Kerala Legislative Assembly

Bill No. 138

**THE KERALA PANCHAYAT RAJ (SECOND
AMENDMENT) BILL, 2018**

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[Translation in English of “2018-ലെ കേരള പഞ്ചായത്ത് രാജ് (രണ്ടാം ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA PANCHAYAT RAJ (SECOND AMENDMENT)
BILL, 2018**

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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-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj (Second Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 12th day of November, 2015.

2. *Amendment of section 159.*— In sub-section (1) of section 159 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act) for the words “fifteen months”, the words “thirty months” shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Panchayat Raj (Second Amendment) Ordinance, 2018 (35 of 2018) is hereby repealed.

Notwithstanding such repeal, anything done or any action 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 (1) of section 159 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) provides that a member of the Panchayat shall, within fifteen months from the date of assuming his office, file a statement of assets and liabilities of himself and of the members of his family, in the form prescribed, before the competent authority authorised in this behalf by the Government by notification in the Gazette. As per the amendment brought to the Kerala Panchayat Raj Act, 1994 (13 of 1994), by the Kerala Panchayat Raj (Amendment) Act, 2012 (5 of 2013), the period of "within three months" existing prior to such amendment was extended to a period "within fifteen months". But it has come to the notice of the Government that, many of the members of the Panchayat could not submit their statement of assets within this time limit on account of several reasons. Hence, the Government have decided to amend the said section, by extending the period of "within fifteen months" as a period of "within thirty months".

As the Legislative Assembly of the State of Kerala was not in session, and the said proposal had to be given effect to immediately, the Kerala Panchayat Raj (Second Amendment) Ordinance, 2018 (35 of 2018) was promulgated by the Governor of Kerala on the 26th day of April, 2018 and same was published in the Kerala Gazette Extraordinary No.1072 dated 26th day of April, 2018.

The Bill seeks to replace Ordinance No. 35 of 2018 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.

DR. K.T. JALEEL

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

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159. *Panchayat members, to submit statements regarding assets—(1)*
A member of the panchayat shall, within three months from the date of assuming his office, file a statement of assets and liabilities of himself and of the members of his family, in the form prescribed before the competent authority authorised in this behalf by the Government by notification in the Gazette:

Provided that, a person who is a member of the Panchayat, at the commencement of this Act shall submit such a statement to the competent authority, before the date specified by the Government in this behalf.

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(4) Where a member of the panchayat fails to file such a statement to the competent authority within the date specified under sub-section (1) and sub-section (2), action may be taken to disqualify him from continuing as member of the panchayat under section 35.

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