

Published on 01-06-2018

Fourteenth Kerala Legislative Assembly

Bill No. 137

**THE KERALA MUNICIPALITY (SECOND AMENDMENT)
BILL, 2018**

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2018

KERALA NIYAMASABHA PRINTING PRESS.

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

**THE KERALA MUNICIPALITY (SECOND AMENDMENT)
BILL, 2018**

A

BILL

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipality (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 143A.*—In sub-section (1) of section 143A of the Kerala Municipality Act, 1994 (20 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 *Repeal and saving.*—(1) The Kerala Municipality (Second Amendment) Ordinance, 2018 (34 of 2018) is hereby repealed.

(2) 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 143A of the Kerala Municipality Act, 1994 (20 of 1994) provides that a Councillor shall, within fifteen months from the date of assuming his office submit a statement of assets and liabilities of himself and of other members of his family in the prescribed form, before the competent authority as may be authorised by the Government by notification in this behalf. As per the amendment brought to the Kerala Municipality Act, 1994 (20 of 1994), by the Kerala Municipality (Amendment) Act, 2012 (1 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 notice of the Government that, many of the councillors 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 Municipality (Second Amendment) Ordinance, 2018 (34 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. 1071 dated 26th day of April, 2018.

The Bill seeks to replace Ordinance No. 34 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 MUNICIPALITY ACT,
1994 (20 OF 1994)**

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143A. Councillors to declare assets.—(1) A Councillor shall within fifteen months from the date of assuming his office submit a statement of assets and liabilities of himself and of other members of his family in the prescribed form, before the competent authority as may be authorised by the Government by notification in this behalf.

Provided that a person who is a Councillor at the time when this Act comes into force, shall submit such a statement before the competent authority, before the date specified by the Government in this behalf.

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(4) Where a Councillor fails to submit the statement before 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 a Councillor under section 91.

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