

Fourteenth Kerala Legislative Assembly

Bill No. 206

**THE NON-RESIDENT INDIANS' (KERALITES)
COMMISSION AMENDMENT BILL, 2019**

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THE NON-RESIDENT INDIANS' (KERALITES) COMMISSION
AMENDMENT BILL, 2019

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BILL

to amend the Non—Resident Indians' (Keralites) Commission Act, 2015.

Preamble.—WHEREAS, it is expedient to amend the Non-Resident Indians' (Keralites) Commission Act, 2015 (3 of 2016) for the purposes hereinafter appearing;

BE it enacted in the Seventieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Non-Resident Indians' (Keralites) Commission Amendment Act, 2019.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Non - Resident Indians' (Keralites) Commission Act, 2015 (3 of 2016) (hereinafter referred to as the principal Act), after clause (h), the following clause shall be inserted, namely:—

“(i) “unfair practices” mean those acts which violate the human rights of the Non-resident Indians hailing from Kerala or which restrain their social or cultural development or acts which infringe such rights or acts which are illegal or for unlawful enrichment or done with any other malafide intention and includes such acts of cheating or misrepresentation.”.

3. *Amendment of section 3.*—In the principal Act, in item (v) of sub-section (2) of section 3 for the figures “65” the word “seventy” shall be substituted.

4. *Amendment of section 4.*—In the principal Act, in sub-section (1) of section 4, for the words “re-appointment” the word “re-nomination” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

For constituting a commission for protecting and safeguarding the interests of Non-resident Indians hailing from Kerala and to recommend remedial measures for their welfare, the State Legislature has enacted the Non- Resident Indians' (Keralites) Commission Act, 2015. As per the said Act, the upper age limit of the retired High Court Judge who is being appointed as Chairperson of the Commission is stipulated as 65 years. A judge who is appointed as Chairperson after the retirement age of 62 years shall not be able to complete one term (3 years) as Chairperson of the Commission. Similarly, eventhough the commission was given power to take actions on unfair practices, the term unfair practices was not defined in the Act. For the said purposes and for other matters incidental thereto, the Government thinks it necessary to amend the Act of 2015.

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.

PINARAYI VIJAYAN.

EXTRACT FROM THE RELEVANT PORTIONS OF THE NON-RESIDENT
INDIANS' (KERALITES) COMMISSION ACT, 2015

(3 OF 2016)

** ** ** **

2. *Definitions.*—In this Act, unless the context otherwise requires,—

** ** ** **

(h) "regulations" means the regulations made by the Commission as per sub-section (8) of section 7 of this Act.

3. *Constitution of the Commission.*—(1) The Government shall as soon as, may be after the commencement of this Act, constitute a body to be known as the Non-resident Indians' (Keralites) Commission to exercise the powers conferred upon and to perform the functions assigned to it under this Act.

(2) ** ** ** **

(v) A person who has completed the age of 65, shall not be continued as Chairperson or member.

4. *Term of office and conditions of service of members.*—(1) Except Secretary appointed from service, every member shall hold office for a period of three years from the date on which he assumes office and shall be eligible for re-appointment for not more than one term.

(2) A casual vacancy caused by reason of death, removal or resignation of any member shall be filled by fresh nomination:

Provided that a person so nominated shall hold office only for the remaining period of the term of the person in whose place such person is nominated.

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