

Kerala Gazette No. 25 dated 17th June 2008.
PART II



SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 595/Legn. 1/08/Leg.

Dated, Thiruvananthapuram, 12th June 2008.

The Kerala Municipality (Amendment) Bill, 2008 together with the Statement of Object and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. N. K. JAYAKUMAR,
Secretary,
Legislative Assembly.

Twelfth Kerala Legislative Assembly
Bill No. 146

[Translation in English of the “2008-ലെ കേരള മുനിസിപ്പാലിറ്റി (ഭേദഗതി) ബിൽ ” published under the authority of the Governor.]

THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2008

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BILL

further to amend the Kerala Municipality Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 of 1994) for the purposes hereinafter appearing ;

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipality (Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Amendment of section 53.*—In the Kerala Municipality Act, 1994 (20 of 1994), (hereinafter referred to as the Principal Act), in sub-section (2) of section 53 the following proviso shall be inserted, namely :—

“Provided that one third of the members to be elected under clause (a) shall be women and one member belonging to Scheduled Caste or Scheduled Tribe.”.

3. *Amendment of section 54.*—In clause (a) of sub-section (2) of section 54 of the principal Act, after the words “shall be elected” the words “of whom one belonging to Scheduled Caste or Scheduled Tribe and three persons be women” shall be inserted.

4. *Amendment of section 55.*—In sub-section (1) of section 55 of the principal Act, the following proviso shall be added, namely:—

“Provided that of the members nominated by the Government under clause (e), two persons shall be women and one belonging to Scheduled Caste or Scheduled Tribe.”

5. *Amendment of section 254.*—In sub-section (2) of section 254 of the principal Act, for the words “August and February” the words “September and March” shall be substituted.

6. *Amendment of section 256.*—In sub-section (1) of section 256 of the principal Act, for the words “August and February” the words “September and March” shall be substituted.

7. *Amendment of section 258.*—In section 258 of the principal Act, for the words “February and August”, the words “March and September” shall be substituted.

8. *Insertion of new section 538A.*—After section 538 of the principal Act, the following section shall be added, namely:—

“538A. *Mode of Recovery of sums due to Municipality.*—Under the development scheme all sums due from any person payable to the Municipality or all sums and allied charges related thereto or expenses met to be recovered by the Municipality shall be recovered without prejudice to any other mode of recovery in accordance with the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968) as arrears of public revenue due on land.”.

STATEMENT OF OBJECTS AND REASONS

1. On the basis of the recommendation made in the 1st report of the Subject Committee-VI of the Tenth Kerala Legislative Assembly on Scrutiny of Demand for Grants that necessary amendment be made for giving representation to the Scheduled Caste-Scheduled Tribes in the District Planning Committee to be constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994), Government have decided to make amendment accordingly. Besides, Government have decided to reserve one-third of the twelve members elected under clause (a) of sub-section (2) of section 53 i.e, 4 numbers to women and also to amend sections 54 and 55 like section 53 as sections 54, 55 of the Act are in respect of the Metropolitan Planning Committee and the State Development Council respectively.

2. Besides, sub-section (2) of section 254 of the Kerala Municipality Act, 1994 provides that, before the end of August and February of every year, Head of Office or Employer shall assess every employee liable to pay professional tax and recover the amount. But sections 256 and 258 of the Act provide that every self-drawing officer shall remit the professional tax before the end of August and February. Further, there is provision in section 245(2), to recover professional tax on the aggregate income of a person from all sources specified in sub-section (1). Owing to calculation of income before the expiry of the half year, variations may occur for several reasons, resulting in considerable difference in the

assessment of tax and thus the statutory provision in section 245(2) cannot be observed. Therefore, Government have decided to amend sections 254(2), 256(1) & 258 of the principal Act substituting September/March for April/February.

3. Government have also decided to make amendment so as to bring the Kerala Development Project under the purview of section 71 of the Revenue Recovery Act (15 of 1968) for recovering the amount given to any person but that remained unexpended in connection with Development Schemes by the Local Self Government Institutions through Revenue Recovery Proceedings.

The Bill seeks 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.

PALOLI MOHAMED KUTTY
