

Fifteenth Kerala Legislative Assembly

Bill No. 146

**THE KERALA PANCHAYAT RAJ
(AMENDMENT) BILL, 2022**

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Kerala Legislature Secretariat

2022

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[Translation in English of “2022-ലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ബിൽ ”
published under the authority of the Governor.]

THE KERALA PANCHAYAT RAJ (AMENDMENT)

BILL, 2022

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BILL

further to amend the Kerala Panchayat Raj Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Panchayat Raj Act, 1994 (13 of 1994) for the purposes hereinafter appearing;

BE it enacted in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj (Amendment) Act, 2022.

2) It shall come into force at once.

2. *Amendment of section 235AB.*—In the Kerala Panchayat Raj Act, 1994 (13 of 1994), in sub-section (1) of section 235 AB, for the figures, words and symbol “31st July, 2017” the figures, words and symbol “7th November, 2019” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 235 AB of the Kerala Panchayat Raj Act, 1994 (13 of 1994) provides that, notwithstanding anything contained in the Act, if any person or institution unlawfully, developed any land or constructed, reconstructed or carried out additions to any building on or before 31st July, 2017, a committee consisting of the District Town Planner, Deputy Director of Panchayats and the Secretary of the Local Self Government Institution concerned may, on realisation

of a compounding fee as prescribed, regularise such land development or building construction or reconstruction or additions.

As the Kerala Panchayat Building Rules, 2019, has come into force on 8th November, 2019, the Government have decided to amend sub-section (1) of section 235 AB of the Kerala Panchayat Raj Act, 1994 so as to permit the regularisation of the unauthorised constructions which were started or completed on or before 7th November, 2019.

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.

M. B. RAJESH

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

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235AB. *Power to regularise the unlawful building construction.*—(1) Notwithstanding anything contained in this Act, if any person or institution unlawfully, developed any land or constructed, reconstructed or carried out additions to any building on or before 31st July, 2017, a committee consisting of the District Town Planner, Deputy Director of Panchayats and the Secretary of the Local Self Government Institution concerned may, on realisation of a compounding fee as prescribed, regularise such land development or building construction or reconstruction or additions:

Provided that such regularisation shall not adversely affect any planning scheme or master plan, approved under the existing provisions of the Town Planning Act:

Provided further that no building construction or reconstruction or additions shall be regularised, which is done in contravention of the provisions in respect of the security arrangements provided in this Act, or the building rules made thereunder.

(2) Application for regularisation under sub-section (1) shall be submitted within such time and in such manner as prescribed.

Explanation.— For the purpose of this Act, unlawful construction means any construction or building construction or reconstruction or additions for which the Secretary shall have no power to regularise under section 235W of this Act or any construction, or re-construction or additions done in contravention of the provision of this Act or the building rules made thereunder or in contravention of any approved plan or any construction done in deviation of any exemption order sanctioned by the Government or any condition specified therein.

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