THE KERALA PANCHAYAT RAJ ACT & RULES

- **THE KERALA PANCHAYAT RAJ ACT 1994**
- **THE KERALA PANCHAYAT RAJ RULES**
- **CONSTITUTION 73RD AMENDMENT ACT**
- **GUIDELINES FOR THE PREPARATION OF TENTH FIVE-YEAR PLAN OF LOCAL GOVERNMENTS**

CD-ROM version prepared by
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ACT 13 OF 1994

THE KERALA PANCHAYAT RAJ ACT, 1994

(Act 13 of 1994 as amended by Acts 7 of 1995, 7 of 1996, 8 of 1998, 11 of 1999, 13 of 1999,13 of 2000 & 12 of 2001)

An Act to replace the present enactment relating to panchayats and District Councils by a comprehensive enactment.

Preamble - Whereas it is expedient to replace the present enactments relating to Panchayats and district councils by a comprehensive enactment to establish a three-tier Panchayat Raj system in the State in line with the Constitution (Seventy-third Amendment) Act, 1992, for securing a great measure of participation of the people in planned development and in local Governmental affairs, by constituting Village, block and district Panchayats;

And endow such Panchayats with such powers and authority to enable them to function as institutions of self-Government.

And entrusting such panchayats the preparation of plans and implementation of schemes for economic development and social justice including the implementation of schemes in relation to the matters listed in the Eleventh Schedule to the Constitution:

Be it enacted in the Forty-fifth Year of the Republic of India as follow: -

CHAPTER I
PRELIMINARY

1. ***Short title, extent and commencement.***- (-1) This Act may be called the Kerala Panchayat Raj Act, 1994.

(1) It extends to the whole of the State of Kerala except the areas which are within the limits of the Cantonments, Nagar Panchayats, Municipal Councils, Municipal Corporations and the Industrial areas of the State.

(2) It shall come into force at once.

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

(i) 'article' means an article of the Constitutions of India.
(ii) 'Block Panchayat' means a block panchayat constituted at intermediate level under clause (b) of sub-section, section 4;
(iii) 'building' includes a house, out-house, stable latrine, shed, hut and any other structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever:
(iv) 'bye-election' means an election other than general election.

(v) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election:

(vi) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time:

[1]["(vi) a. 'Committee' means – a standing committee constituted under this Act or any other committee constituted by the panchayat for any specific purpose.

(vii) 'constituency' means the territorial area (by whatever name called) for the purpose of election of a member to a Panchayat at any level:

(viii) 'corrupt practice' means any of the practices specified in section 120:

(ix) 'cost' in relation to an election petition means all costs, changes and expenses of, or incidental to, the trial of, an election petition;

(x) 'district' means a revenue district;

(xi) 'district election officer' means an officer designated or nominated by the State Election Commission under sub-section (1) of section 13;

(xii) 'district Panchayat' means a district panchayat constituted at the district level under clause (e) of sub-section (1) of section 4;

(xiii) 'district panchayat area' means the rural areas within a district to be notified by the Government for the purpose of clause (c) of sub-section (1) of section 4.

(xiv) 'election' means an election to fill a seat in any of the constituencies in a Panchayat at any level;

(xv) 'elector' in relation to a constituency (by whatever name called) means a person whose name is entered in the electoral roll of that constituency, for the time being in force, and who is not subject to any of the disqualifications mentioned in section 17;

(xvi) 'electoral right' means the right of a person to stand or not to stand as or to withdraw or not to withdraw from being, a candidate or to vote at an election;

(xvii) 'general election' means the election held under this Act for the constitution or reconstitution of at panchayat after the expiry of its term or otherwise;

(xviii) 'Government' means the government of Kerala;

(xix) 'house' means a building or hut used or fit to be used as a residence or otherwise having separate principal entrance from the common way and includes any shop, workshop or warehouse or any building, used for parking vehicles or as a bus stand.

(xx) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever materials made, which a village panchayat may declare to be a hut for the purpose of this Act;

(xxi) 'intermediate level' means a level between the village and district levels specified by the Governor under clause (c) of article 246;

[2](xxii) 'Local Authority' or Local self-Government institution means, a Panchayat at any level constituted under section 4 of this Act or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994].

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[1] Inserted by Act 13 of 1999.

(xxiii) ‘market’ means any place set apart for ordinarily or periodically used for the assembling of persons for the sale or purchase of grain, fruits, vegetables, meat, fish or other perishable articles of food or for the sale, or purchase of live-stock or poultry, or of any agricultural or industrial produce for any raw or manufactured products or any other articles or commodity necessary for the convenience of life provided that a single shop or a group of shops not being more than six in number shall not be deemed a market;

(xxiv) ‘member’ means the member of a Panchayat at any level;

(xxv) ‘Panchayat’ means a village panchayat, a block panchayat or a district panchayat.

(xxvi) ‘Panchayat area’ means the area within the territorial jurisdiction of a panchayat;

(xxvii) ‘Political party’ means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);

(xxviii) ‘polling stations’ – means any place appointed for holding election to a Panchayat;

(xxix) ‘population’ means the population assessed at the last census the relevant details of which have been officially published;

(xxx) ‘prescribed’ means prescribed by the rules made under this Act;

(xxxi) ‘President’ or ‘Vice-President’ means the President or the Vice-President of a Village panchayat or block panchayat or district panchayat as the case may be;

(xxxii) ‘private market’ means any market other than a Public Market;

(xxxiii) ‘public market’ means any market owned, constructed, repaired or maintained by a village panchayat;

(xxxiv) Public holiday’ means any day which is declared as a holiday by the Government;

(xxxv) ‘public road’ means any street, road, square, court, alley, passage, cart-tract, foot-path or riding path, over which the public have right of way, whether a thoroughfare or not, and includes, -

(a) The road-way over any public bridge or causeway;
(b) The footway attached to any such road, public bridge or causeway; and
(c) The drains attached to any such road, public bridge or causeway, and the land whether covered or not by any pavement, verandah or other structure which lies on either side of the road-way upto the boundaries of the adjacent property whether the property to private property or property belonging to the State or Central government;

(xxii) ‘qualifying date in relation to the preparation or revision of every electoral roll means the 1st day of January of the year in which it is so prepared or revised;

(xxiii) residence’ or to ‘reside’, a person is deemed to have his ‘residence’ or to ‘reside’ to any house if he some times uses any portion thereof as a sleeping apartment as of right and a person is not deemed to cease to reside in any such house or portion thereof merely because he is absent from it or has elsewhere another dwelling in which he resides if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(xxiv) ‘returned candidate’ means a candidate whose name has been published under section 83;

(xxv) ‘Schedule Castes and Scheduled Tribes’ shall have the same meaning as in the Constitution of India;

(xxvi) ‘Secretary’ means the Secretary of Village Panchayat or a block Panchayat or a District Panchayat as the case may be;

(xxvii) ‘State’ means the State of Kerala;

(xxviii) ‘State Election Commission’ means the State Election Commissioner appointed by the Governor under article 243 K;

(xxix) ‘Taluk means a revenue Taluk;

(xxx) ‘Village’ means a Village specified by the Governor under clause (g) of article 243;

(xxxi) ‘village Officer’ means the ‘officer in charge of a revenue village;

(xxxii) ‘village panchayat’ means a village panchayat constituted for a village or for a group of village under clause (a) of sub-section (1) of section 4;

(xxxiii) ‘water course’ includes any river, stream or channel whether natural or artificial;

(xxxiv) ‘year’ means the financial year;

(xxxv) words and expression used but not defined in this Act, but defined in the Constitution of India shall have the meanings respectively assigned to them in the Constitution of India.

CHAPTER II
GRAMA SABHA

3. ***Grama Sabha.–*** (1) For the purpose of this chapter, each constituency of village panchayat may be specified as a village under clause (g) of article 243.

(2) All persons whose names are included in the electoral rolls relating to a village comprised within the area of a village panchayat shall be deemed to be constituted as Grama Sabha of such village.

(3) [[3]Grama Sabha shall meet at least once in three months at the place fixed by the Village Panchayat and to such meetings, the convenor of the Village Panchayat shall, compulsorily invite the member of the Block Panchayat, the District Panchayat and the Legislative Assembly representing the area of the Grama Sabha.

Provided that the Convenor shall, on a request in writing made by not less than ten per cent of the members of any Grama Sabha, convene a special meeting of the Grama Sabha within fifteen days with the agenda given along with the request.

Provided further that such special meeting shall be convened only once within the period between two general meetings]

(4) The member of a village panchayat representing the constituency comprised in the area of a village shall be the convenor of that Grama Sabha; however due to any reason, physical or otherwise, the convenor is unable to perform his functions as such, the President may appoint a member representing any adjacent constituency as the convenor.

(5) Every meeting of the Grama Sabha shall be presided over by the President of the village panchayat or in his absence the vice-president or in the absence of both of them by the convenor of Grama Sabhas.

(6) The village panchayat shall place before the Grama Sabha a report relating to the developmental programmes relating to the constituency during the previous year and these that are proposed to by undertaken during the current year, and the expenditure therefore, the annual statement of accounts and the administration report of the preceding year. If in any circumstances, any decision of the grama sabha could not be implemented, the president shall report the reason therefore, before the Grama Sabha.

(7) The village panchayats, the block panchayats and the district panchayats shall give due consideration to the recommendations and suggestions, if any, of the Grama Sabha.

[x x x x x x][4]

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[3] Inserted by Act 13 of 1999.
[4] Omitted by Act 13 of 1999.

[5][3 A ***Powers, function and rights of the Grama Sabha.*** – (1) Grama Sabha shall, in such manner and subject to such procedure, as may be prescribed, perform the following powers and functions, namely: -

(a) to render assistance in the collection and compilation of details required to formulate development plans of the panchayat;
(b) to formulate the proposals and fixing of priority of schemes and development programmes to be implemented in the area of Village Panchayat;
(c) to prepare and submit to the Village Panchayat a final list of eligible beneficiaries in the order of priority relating to the beneficiary oriented schemes on the basic of the criteria fixed;
(d) to render assistance to implement effectively the development schemes by providing facilities locally required;
(e) to provide and mobilise voluntary service and contribution in cash or in kind necessary for the development plans;
(f) suggesting the location of street lights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public utility schemes;
(g) to formulate schemes to impart awareness on matters of public interest like cleanliness, environmental protection, pollution control and to give protection against social evils like corruption, illicit and clandestine transactions;
(h) to promote harmony and unity among various groups of people within the area of the Grama Sabha and to organise arts and sports festivals to develop good-will among the people of that locality;
(i) to monitor and render assistance to the beneficiary communities engaged in the developmental activities within the area of the Village Panchayat.
(j) to verify the eligibility of persons getting various kinds of welfare assistance from the Government such as pensions and subsidies;
(k) to collect information regarding the detailed estimates of works proposed to be implemented in the area of the Grama Sabha;
(l) to make available details regarding the services to the rendered and the activities proposed to be done by the concerned officials in the succeeding three months;
(m) to know the rationale behind every decision taken by the panchayat regarding the area of the Grama Sabha;
(n) to know the follow up action taken on the decisions of the Grama Sabha and the detailed reasons for not implementing any of the decisions;
(o) to co-operate with the employees of the village panchayats in the sanitation processes and rendering voluntary service for the removal of garbage;
(p) to find out the deficiencies in the arrangements for water supply, street lighting etc. within the area of the Grama Sabha and to suggest remedial measures;
(q) to assist the activities of parent-teacher associations of the schools within the area of the Grama Sabha;
(r) to assist the public health activities especially prevention of diseases and family welfare, within the area of the Grama Sabha.

[5]Inserted by Act 13 of 1999.

(s) to perform such other functions as may be prescribed from time to time.

(2) The Grama Sabha shall, in its ordinary meeting or in the special meeting convened for the purpose; discuss the report referred to in sub-section (6) of section 3 and it shall have the right to known about the budgetary provisions, the details of plan outlay, item wise allocation of funds and details of the estimates and cost of materials of works executed or proposed to be executed within the area of the Grama Sabha.

(3) The Audit report of the performance audit report placed for the consideration of the Grama Sabha shall be discussed in the meeting and its views, recommendations and suggestions shall be communicated to the concerned village panchayat.

(4) The quorum of the Grama Sabha shall be ten per cent of the number of voters of its area and the procedure for convening and conducting meetings of the Grama Sabha shall be such as may be prescribed.

Provided that the quorum of the meting of a Grama Sabha which was adjourned earlier for want of quorum shall be fifty when convened again.

(5) The Officers of the Village Panchayats shall attend the meetings of the Grama Sabha as may be required by the President and an officer nominated by the Village Panchayat as the co-ordinator of the Grama Sabha shall assist the convenor in convening and conducting the meetings of the Grama Sabha and in recording its decisions in the Minutes Book and also in taking up follow up action thereon.

(6) The Grama Sabha may appoint, elect or constitute, general or special sub-committees for the detailed discussions on any issues or programmes and for the effective implementation of the schemes and the decisions and in furtherance of its rights and responsibilities.

Provided that such committees shall consist of not less than ten members of whom, not less than half shall be women.

(7) Resolutions may be passed on majority basis, in the meetings of the Grama Sabha in respect of any issue with in its jurisdiction, however, effort should be made to take decision on the basis of general consensus as far as possible.

(8) When beneficiaries are to be selected according to any scheme, project or plan, the criticism for eligibility and order of priority shall be fixed by the panchayat subject o the terms and conditions prescribed in the scheme, project or plan and such criterion shall be published in the manner prescribed and intimated to the Grama Sabha.

(9) The priority list prepared by Grama Panchayat after inviting applications for the selection of beneficiaries and conducting enquiries on the application received, shall be scrutinised at the meeting of the Grama Sabha in which the applicants are also invited and a final list of the deserving beneficiaries, in the order of priority, shall be prepared and sent for the approval of the Grama Panchayats.

Provided that the Village Panchayat shall not change the order of priority in the list sent by the Grama Sabha for approval:

3. B. ***Responsibilities of Grama Sabha.*** **-** (1) The Grama Sabha shall have the following responsibilities namely: -

(i) dissemination of information regarding developmental and welfare activities;
(ii) participating in and canvassing of programmes of Health and Literacy and such other time bound developmental programmes;
(iii) collecting essential socio-economic data;
(iv) providing feed back on the performance of development programmes;
(v) resort to moral sanction to pay taxes, repayment of loans promote environmental cleanliness and to maintain social harmony;
(vi) mobilise local resources to augment resources of the panchayat;
(vii) supervising development activities as volunteer teams and
(viii) make arrangements for reporting urgently incidence of epidemics, natural calamities, etc.

(2) The Grama Sabha shall make periodical reports to the village panchayats in respect of matters specified in a section 3 A.]

CHAPTER III
CONSTITUTION OF PANCHAYATS AT DIFFERENT LEVELS

4. ***Power of the Government in constitute and specify the name and headquarter of Panchayat.*** - (1) The Government shall, by notification in the Gazette, constitute with effect from such date as may be specified in the notification: -

(a) a village panchayat for each village or for group of villages.
(b) a block panchayat at intermediate level; and
(c) a district panchayat for each district panchayat area and specify the names and headquarters of such panchayats.

(2) The Government may, at the request of the panchayat concerned, or after consultation with the panchayat and after previous publication of the proposal by notification, -

(a) increase the area of any village panchayat by including within such panchayat area any village or group of villages;
(b) diminish the area of any village panchayat by excluding from such panchayat area any village or group of villages;
(c) alter the headquarters of a panchayat at any level; or
(d) alter the name of a panchayat at any level;

Provided that any alteration extending or reducing the area of a village panchayat under clause (a) or clause (b) shall not be brought into force before the expiry of the term of the existing committee of that panchayat.

(3) The Government may after consultation with the panchayat, pass such orders as they deem fit as in the disposal of any part of the property vested in a village panchayat which has ceased to exercise jurisdiction over any village or group of villages and the discharge of the liabilities of the village panchayat relating to such property or arising from such village including all matters concerned there with or incidental thereto.

5. ***Incorporation and administration of panchayats.*** - (1) Every panchayat shall be a body corporate by the name of the panchayat specified in the notification issued under section 4, shall have perpetual succession and a common seal and shall, subject to any restriction or qualification imposed by or under this Act or any other law, be vested with the capacity of suing or being issued in its corporate name; of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

(2) A district panchayat, a block panchayat and a village panchayat shall exercise such powers, perform such functions and duties and shall have such responsibilities and authorities as are provided by or under this Act or any other law for the time being in force.

6. ***Strength of Panchayats.*** - (1) The total number of seats in a village panchayat, a block panchayat and a district panchayat to be filled by direct election shall be notified by the

Government in accordance with the scale specified in sub-section (3) with reference to the population of the territorial area of the panchayat concerned.

(2) The Government may after publication of the relevant figures of each census by notification alter the total number of seats in a Panchayat notified under sub-section (1) subject to the scale specified in sub-section (3).

(3) The number of seats to be notified under sub-section (1) or under sub-section (2) shall not; -

(a) in the case of Village Panchayat, be less than [6][ten] or more than [twenty]; and
(b) in the case of a Block Panchayat, be less than fifteen or more than [twenty]; and
(c) in the case of a District Panchayat, be less than fifteen or more than [thirty];

Provided that the ratio between the Population of the Territorial area of a Panchayat any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(4) The procedure for fixing the strength of a Panchayat shall be such as may be prescribed.

7. ***Composition of Village Panchayat.*** - (1) Every Village Panchayat shall consist of elected members equal to the number of seats notified under sub-section (1) of section 6.

(2) All the seats in a Village Panchayat shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) In every Village Panchayat, seats shall be reserved for the Scheduled Castes and Scheduled Tribes.

(4) The number of seats reserved under sub-section (3) shall be determined by the Government and the number of seats so determined shall bear, as early as may be, the same proportion to the total number of seats in that Panchayat as the population of the Scheduled Castes in that Panchayat area or, as the case may be, of the Scheduled Tribes in that Panchayat area bears to the total Population of the Panchayat area, and such seats shall be allotted to the [7][State Election Commission] or an Officer authorised by it under section 10 by rotation to different constituencies in that Panchayat area;

Provided that where the Population of the Scheduled Castes or the Scheduled Tribes in a Panchayat area is not sufficient enough to make them eligible for reservation of any seat, one seat shall be reserved in that Panchayat, for the Scheduled Castes or the Scheduled Tribes having higher population.

(5) One-third of the total number of seats reserved under sub-section (4) shall be reserved by the Government for women belonging to the Scheduled castes or the Scheduled Tribes as the case may be:

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[6] Substituted by Act 13 of 1999.
[7] Substituted by Act 13 of 1999.

Provided that if the number of seats reserved for Scheduled Castes or, as the case may be, the Scheduled Tribes, under sub-section (4) is one, that seat shall not be reserved for women, belonging to Scheduled Castes or Scheduled Tribes, as the case may be

(6) One-third [including the seats reserved under sub-section (5)] of the total number of seats in a Village Panchayat shall be reserved by the Government for women and such seats shall be allotted by the State Election Commission or the Officer authorised by it under section 10 by rotation to different constituencies in the Village Panchayat area.

(7) Nothing contained in sub-sections (3) to (6) shall be deemed so prevent members of the Scheduled Castes or the Scheduled Tribes or the women from standing for election to the non-reserved seats in a Village Panchayat.

(8) A Village Panchayat shall have a President and a Vice President elected by the members of the village Panchayat from among themselves.

8. ***Composition of Block Panchaya.*: -** (1) Every block Panchayat shall consist of: -

(a) elected members equal to the number of seats notified under sub-section (1) of section 6:
(b) the Presidents of the Village Panchayats in the territorial area of the Block Panchayat; and
[8][(c).....]

(2) All the seats in a Block Panchayat notified under sub-section (1) of section 6 shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) In every Block Panchayat, stipulated seats shall be reserved for the Scheduled Castes and the Scheduled Tribes.

(4) The number of seats reserved under sub-section (3) shall be determined by the Government and the number of seats so determined shall bear as nearly as may be, the same proposition to the total number of seats in that Block Panchayat i.e., the population of the Scheduled Castes in that Block Panchayat area or, as the case may be, of the Scheduled Tribes in that Block Panchayat area bears to the total population of that Block Panchayat area and such seats shall be allotted by [9][the State Election Commission] or the Officer authorised by it under section 10 by rotation to different constituencies in that block panchayat area.

Provided that where the population of the Scheduled Castes or Scheduled Tribes in block panchayat area is not sufficient enough for reservation of any seat, one seat shall be reserved in that block panchayat, for the Scheduled Castes of the Scheduled Tribes having higher population.

[8] Omitted by Act 7 of 1995.
[9] Substituted by Act 13 of 1999.

(5) One-third of the total number of seats reserved under such section (4) shall be reserved by the Government for women belonging to the Scheduled Castes or the Scheduled Tribes as the case may be:

Provided that the number of seats reserved for Scheduled Castes or as the case may be, the Scheduled Tribes under sub-section (4) is one, that seat need not be reserved for women belonging to Scheduled Castes or as the case may be, Scheduled Tribes.

(6) One-third [including the seats reserved under sub-section (5) of the total number of seats in a block panchayat shall be reserved by the Government for women and such seats shall be allotted by [10][the State Election Commission] or the Officer authorised by it under section 10 by rotation to the different constituencies in the block panchayat area.

(7) Nothing contained in sub-section (3) to (6) shall be deemed to prevent members of the Scheduled Castes or the Scheduled Tribes or the women from standing for election to the non-reserved seats in a block panchayat.

(8) A Block Panchayat shall have a President and a Vice President elected by the elected members of the Block Panchayat from among themselves.

9. ***Composition of the District Panchayat.*** **-** (1) Every district panchayat shall consist of, -

(a) elected members equal to the number of seats notified under sub-section (1) of section 6; and
(b) the presidents of the block panchayats in the district;
[11][(c) .....
(d) .....]

(2) All the seats in a district panchayat notified under sub-section (1) of section 6 shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) In every District panchayat, stipulated seats shall be reserved for Scheduled Castes and the Scheduled Tribes.

(4) The number of seats reserved under sub-section (3) shall be determined by the Government and the number of seats so determined shall bear, as nearly as may be, the same proportion to the total number of seats in that District Panchayat as the population of the Scheduled Castes in the District Panchayat area or, as the case may be, of the Scheduled Tribes in that District Panchayat area bears to the total population of that District Panchayat area, and such seats shall be allotted by the [12][State Election Commission] or the Officer authorised by it under section 10 by rotation to different constituencies in that District Panchayat area:

Provided that where the population of the Scheduled Castes or Scheduled Tribes in a District Panchayat area is not sufficient enough for the reservation of any seat, one seat

[10] Substituted by Act 13 of 1999
[11] Omitted by Act 7 of 1995.
[12] I bid

shall be reserved for Scheduled Castes or Scheduled Tribes in that Panchayat, having higher population.

(5) One-third of the total number of seats reserved under sub-section (4) shall be reserved by the Government for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided that the number of seats reserved for Scheduled Caste or, as the case may be, the Scheduled Tribes under sub-section (4) is one, that seat need not be reserved for women belonging to Scheduled Castes or, as the case may be, Scheduled Tribes.

(6) One-third including the seats reserved under sub-section (5) of the total number of seats in a District Panchayat shall be reserved by the Government for women and such seats shall be allotted by [13][the State Election Commission] or the Officer authorised by it under section 10 by rotation to different constituencies in the District Panchayat area.

(7) Nothing contained in sub-sections (3) to (6) shall be deemed to prevent members of the Scheduled Castes or the Scheduled Tribes or the women from standing for election to the non-reserved seats in a District Panchayat.

(8) A District Panchayat shall have a President and a Vice-President elected by the elected members of the District Panchayat from among themselves.

CHAPTER IV
DELIMITATION OF CONSTITUENCIES

10. ***Division of Panchayats into Constituencies.*** **-** (1) As soon as may after fixing the strength of a Panchayat at any level under section 6, and after determining the number of seats to be reserved for Scheduled Castes, Scheduled Tribes and for women, [14][the State Election Commission] or an Officer authorised by it in this behalf shall –

(a) divide every Panchayat into as many constituencies as there are seat and fix the boundaries of such constituencies:
Provided that the population of each constituency shall, as far as practicable, be the same throughout the panchayat area:

Provided further that where the territorial area of a Block Panchayat is divided into constituencies, the boundaries of such constituencies shall not divide any constituency of any Village Panchayat and where the territorial area of a District Panchayat as divided into constituencies the boundaries of such constituencies shall not divide any constituency of any Village Panchayat or of any Block Panchayat, into more than one division.

(b) determine the constituency or constituencies, which shall be reserved for the Scheduled Castes or the Scheduled Tribes and for women.

(2) The [15][State Election Commission] or the Officer authorised by it shall, -

(a) publish the proposals [16][of the State Election Commission or the Officer in respect of] the matters mentioned in clause (a) of sub-section (1), with a notice specifying the date on or after inviting objections and suggestions with respect to the proposals before a date specified in the notice, by affixing copies thereof on the notice board of the Office of the panchayat concerned and in such conspicuous places within the Panchayat area concerned;

(b) publish in the Gazette and in any two local newspapers having wide circulation within the panchayat area concerned the act of publication under clause (a);
(c) consider all objections and suggestions that may have been received by the [17][State Election Commission or the Officer authorised by it] before the date so specified; and

[18][(d) delimit the constituencies;
(e) determine as to which constituency, the constituencies reserved for Scheduled Castes, Scheduled Tribes or women shall be allotted according to rotation by draw of lots by the Officers, authorised in this behalf by the Commission and at the time, date and the place fixed by the State Election Commission by notification in the gazette;

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[14] Amended by Act 13 of 1999.
[15] Ibid.
[16] Ibid.
[17] Substituted by Act 13 of 1999.
[18] Substituted by Act 13 of 1999.

(f) after draw of lots an order determining the Constituencies reserved for Scheduled Caste, Scheduled Tribe or women, shall be issued;]

(3) An order made by the [19][State Election Commission or the Officer authorised by it] shall not be called in question in any Court of Law.

(4) Government or the Officer authorised by them shall furnish free of cost three copies each of the proposals published and the final orders issued under sub-section (2) to the Committees at the Panchayat level concerned of all political parties having representation in the Legislative Assembly and copies of such orders shall also be made available for sale, at the price fixed by the Government or the Officer authorised by them, to all the public who require them.

[20][10A. (1) *Review of final orders by State Election Commission*. – The State Election Commission, may, either suo motu or on application, review any order issued under section 10 and pass such order as it may deem fit.

(2) An application for review under sub-section (1) shall be filed within fifteen days from the date of issue of the impugned final order:

Provided that the time taken for obtaining a copy of the order against which the complaint was filed shall be excluded from calculating the said fifteen days.

(3) Every order issued by the State Election Commission under sub-section (1) shall be published as soon as may be after it is issued, by affixing on the notice board of the Panchayat concerned and in a conspicuous place within the area of such Panchayat and the fact of such publication shall be published in the Gazette and in two local newspapers having wide circulation within the Panchayat area concerned, and a copy each, of the order, shall be given free of cost, to the concerned Panchayat level committees of all political parties having representation in the Legislative Assembly.]

11. ***Power to rectify Printing mistakes, etc.*** **-** [21][The State Election Commission authorised by it] may from time to time correct any printing mistake in any order made under section 10 or any error therein arising from an inadvertent slip or omission.

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[19] Substituted by Act 13 of 1999.
[20] Inserted by Act 13 of 2000
[21] I bid

CHAPTER V
OFFICERS AND STAFF OF STATE ELECTION COMMISSION

12. ***Staff of the State Election Commission.*** **-** (1) As soon as may be, after a request by the State Election Commission to the Governor under clause (3) of article 243K, the Government shall lend the services of such number of Officers and employees as may be necessary to assist the State election Commission in the discharge of its functions.

(2) The Government may in consultation with the State Election Commission, appoint an officer not below the rank of Additional Secretary to Government as Secretary to the State Election Commission.

(3) The Officers and employees referred to in sub-section (1) and sub-section (2) shall continue to be Government servants for all purposes and their terms and conditions of service shall continue to be the same as applicable to them under the Government.

(4) The State Election Commission shall, in consultation with the Government ***[21] designate or nominate such of the officers of the Government or of the local authority, as officers for the purpose of preparation and revision of electoral rolls and conduct of elections under this Act.

13. ***District Election officers.*** **-** (1) The State Election shall, in consultation with the Government, designate or nominate an officer of the Government or a local authority as district election officer for each district.

Provided that the State Election Commission, may designate or nominate more than one such officer for a district if it is satisfied that the functions of the office cannot be performed satisfactorily by one such officer.

(2) Where more than one district election officer is designated or nominated for a district, the State Election Commission shall in the order designating or nominating them also specify the area in respect of which, each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the State Election Commission, every district election officer shall co-ordinate and supervise all works in the area within his jurisdiction including preparation and revision of the electoral rolls in connection with the conduct of elections for all constituencies within the district.

(4) The district election officer shall also perform such other functions relating to the election as may be entrusted to him by the State Election Commission.

14. ***Electoral Registration Officer.*** **–** (1) The electoral rolls for all the constituencies comprised in a village panchayat shall be prepared and revised, in such manner as may be prescribed, by an electoral registration officer who shall be such Officer of the Government or of a local authority as the State Election Commission may, in consultation with the Government, designate or nominate in this behalf.

*** omitted by Act 13 of 1999.

(2) An electoral registration officer may, subject to such restrictions as may be prescribed, employ competent teachers of schools including aided schools or Government employees or employees of local authorities for the preparation and revision of the electoral rolls for the constituencies.

15. ***Assistant Electoral Registration Officer.* –** (1) The State Election Commission may designate one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

Provided that every such person shall be an officer of the Government or of a panchayat.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

CHAPTER VI
PREPARATION OF ELECTORAL ROLLS

16. ***Electoral roll for every constituency.*** **-** (1) For every constituency in a village panchayat there shall be prepared an electoral roll in accordance with the provisions of this act.

(2) The draft electoral roll shall be published in the [22][respective] panchayat office, the village office and [23][.....] at the headquarters of the block and the taluk office, for facilitating the voters to verify the same and the final list shall be published after taking decisions on the objections and the applications.

(3) The electoral rolls for the constituencies of block panchayats and district panchayats shall consist of the electoral rolls for all the constituencies of the village panchayat comprised within the constituencies of the block panchayat or, as the case may be, of the district panchayat and it shall not be necessary to prepare or revise separate electoral rolls for such constituencies.

17. ***Disqualifications for registration in an electoral roll.*** **-** (1) A person shall be disqualified for registration in an electoral roll if he, -

(a) is not a citizen of India; or
(b) is of unsound mind and stands so declared by a competent court; or
(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included.

Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll it such disqualification is during the period such roll is in force, removed under any law authorising such removal.

18. ***No person to be registered in more than one constituency.*** **-** No persons shall be entitled to be registered in the electoral roll for more than one constituency.

19. ***No person to be registered more than once in any constituency.*** **-** No person shall be entitled to be registered in the electoral roll, for any constituency more than once.

20. ***Conditions of registrations.*** **-** Subject to the foregoing, provisions of this chapter, every person who: -

(a) is not less than eighteen years of age on the qualifying date; and
(b) is ordinarily resident in a constituency, shall be entitled to be registered in the electoral roll for that constituency.

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[22] Substituted by Act 7 of 1995.
[23] Omitted by I bid

21. ***Meaning of 'ordinarily resident'.*** **-** (1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A member of Parliament or of the State Legislature or President or Vice-President of a Panchayat at any level shall not during the term of his office cease to be ordinarily resident in the constituency, in the electoral roll of which he is registered as an elector, at the time of his election as such member, or President or Vice President by reason only of his absence from that constituency in connection with his duties as such member or President or Vice-President, as the case may be.

(4) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof only be deemed to be ordinarily resident therein.

(5) If in any case a question arises as to whether a person is ordinarily resident at a place at any relevant time, the question shall be determined by the Election Commission with reference to all the facts of the case and to such rules as may be made in this behalf.

22. ***Preparation and revision of electoral rolls.*** **-** (1) The electoral roll for each constituency in a village panchayat shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll –

(a) shall, unless otherwise directed by the State Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date -

(i) before each general election to a panchayat at any level; and
(ii) before each bye-lection to fill a casual vacancy in a seat allotted to the constituency.

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the State Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2) the State Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

23. ***Correction of entries in electoral rolls.*** **-** If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied, after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency, of a panchayat, -

(a) is erroneous of defective in any particular; or
(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency; or
(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, the electoral registration officer shall, subject to such general, or special directions, if any, given by the State Election Commission in this behalf, amend, transpose or delete the entry:

Provided that before taking any action in any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to the ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

24. ***Inclusion of names in electoral rolls.*** **-** (1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll of that constituency, direct in writing that his name be included therein:

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll:

(3) No amendment, transposition or decision of any entry shall be made under section 23 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section after the last date for making nominations for an election in that constituency and before the completion of that election.

25. ***Appeals.*** **–** An appeal shall be within such time and in such manner, as may be prescribed, to the district election officer from any order of the electoral registration officer under section 23 or section 24.

26. ***Fee for applications and appeals. –*** Every application under section 23 or section 24 and every appeal under section 25 shall be accompanied by the prescribed fee which shall, in no case, be refunded.

27. ***Making false declarations. -*** If any person makes in connection with –

(a) the preparation, revision or correction of an electoral roll; or
(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either, known or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to [24]five thousand rupees or with both.

28. ***Breach of official duty in connection with the preparation etc., of electoral rolls.-***

(1) If any electoral registration officer, assistant electoral registration officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without, reasonable cause, guilty, of any act or omission in breach of such official duty he shall be punishable with fine which shall not be less than one thousand rupees.

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission is aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of or under authority from, the State Election Commission.

[24] Added by Act 13 of 1999.

CHAPTER VII
QUALIFICATIONS AND DISQUALIFICATIONS

29. ***Qualifications for membership of a Panchayat.*** **-** A person shall not be qualified for chosen to fill a seat in a panchayat at any level unless: -

(a) his name appears in the electoral roll of any constituency in the Panchayat;
(b) he has completed his twenty-first year of age [25](on the date of filing of nomination);
(c) in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes, he is a member of any of those castes or for those tribes, as the case may be;
(d) in the case of a seat reserved for women, such person is a women;
(e) he makes and subscribes before the returning officer or any other person authorised by the State Election Commission an oath of affirmation according to the form set out for the purpose in the first schedule.
(f) he has not been disqualified under any other provisions of this Act.

30. ***Disqualification of officers and employees of Government, local authorities etc.*** **–** (1) Officer or employee in the service of the State or Central Government or of a local authority or a corporation controlled by the State or Central Government or of a local authority or any company in which the State or Central Government or a local authority has [26](not less than fifty one percent share) or of a statutory Board or of any University in the state shall be qualified, for election or for holding office as a member of a panchayat at any level.

[27][***Explanation*** **–** For the purpose of this section, company means a Government company as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956) and includes a co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969)].

(2) Any Officer or employee referred to in sub-section (1) who has been dismissed for corruption or disloyalty shall be disqualified for a period of five years from the date of such dismissal for election or for holding office as a member of a panchayat at any level.

31. ***Disqualification of persons convicted for certain offences.*** **–** Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code, 1860 (Central Act 45 of 1860) or under any other provision of law mentioned in section 8 of the Representation of People Act, 1951 (Central Act 43 of 1951) or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of a member of a panchayat at any level for a period of six years from the date of his conviction.

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[25] Added by Act 7 of 1995.
[26] Added by Act 7 of 1995
[27] Inserted by Act 7 of 1995.

32. ***Disqualification on ground of corrupt practices.*** **-** The case of every person found guilty of a corrupt practice by an order under section 101 shall be submitted as soon as may be after such order takes effect, by such authority as the Government may specify in this behalf, to the Governor or determination of the question as to whether such person shall be disqualified and if so, for what period.

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 101 takes effect.

(2) Before giving his decision on any question mentioned in sub-section (1) the Governor shall obtain the opinion of the State Election Commission on that question and shall act according to such opinion.

33. ***Disqualification for failure to lodge account of election expenses.*** **-** If the State Election Commission is satisfied that a person –

[28](a) has failed to lodge an account of election expense within the prescribed time and manner and has no sufficient reason or justification for such failure; or
(b) The accounts lodged are false;
(c) Has incurred election expenses exceeding the prescribed limit][29]

the State Election Commission shall, by order published in the Gazette, declare him to be disqualified and any such person shall be disqualified for a period of five years from the date of the order.

34. ***Disqualification of candidates.*** **–** (1) A person shall be disqualified for being chosen as and for being a member of a panchayat at any level, if he –

(a) is so disqualified by or under any law, for the time being in force, for the purposes of elections to the Legislative Assembly; or
(b) (i) has been sentenced by a court or Tribunal to imprisonment for a period not less than three months for an offence involving moral turpitude;
(ii) has been found guilty of an offence of corruption by a competent authority under nay law in force;
(iii) has been held personally liable for maladministration by the Ombudsman constituted under section 271 G; or
(c) has been adjudged to be of unsound mind; or
(d) has voluntarily acquired the citizenship of a foreign State; or
(e) has been sentenced by a criminal court for any electoral offence punishable under Section 136 or [30][.....] section 138 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification; or
(f) is an applicant to be adjudicated an insolvent or is an undischarged insolvent; or

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[28] Substituted by Act 13 of 1999.
[29] Substituted by Act 13 of 1999
[30] Omitted by Act 7 of 1995

(g) is interested in a subsisting contract made with, or any work being done for, the Government or the panchayat concerned except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

Explanations. **-** A person shall not, by reason of his having a share or interest in any newspaper in which an advertisement relating to the affair of the Government or the panchayat concerned may be inserted, or by reason of his holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Government or the panchayat, be disqualified under this clause; or

(h) is employed as a paid legal practitioner on behalf of the Government or the panchayat concerned; or
(i) is already a member whose term of office as such will not expire before his fresh election can take effect or has already been elected a member whose term of office has not yet commenced; or
(j) is in arrears of any kind due by him to the Government or the Panchayat concerned (otherwise than in a fiduciary capacity) upto and inclusive of the previous year in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired; or
(k) is dismissed or removed from the service of the Central Government or of the State Government or the Service of any local authority or any other service referred to in sub-section (1) of section 30; and five years have not elapsed from the date of such dismissal or removal; or
[31][(kk) has been disqualified as per the provisions of the Kerala Local Authorities (prohibition of Defection) Act, 1999 and has not completed six years from the date of disqualification.]
(l) is debarred from practising as an advocate or vakil; or
(m) is a deaf-mute; or
(n) is disqualified under any other provision of this Act; or
(o) is included in the black list for any default in connection with any contract or tender with the Government.
[32][(p) has been found liable for loss, waste or misuse of money or other property of the panchayat by the Ombudsman]

(2) If any question arises as to whether a candidate has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the State Election Commission and the decision of the State Election Commission on such question shall be final.

35. ***Disqualifications of members.*** **-** Subject to the provisions of section 36, or section 102 a member shall cease to hold office as such, if he –

[33][(a) is found guilty as described under clause (b) of sub-section (1) of section 34 or is sentenced for such an offence; or]
(b) has been adjudged to be of unsound mind; or
(c) has voluntarily acquired the citizenship of a foreign State; or

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[31] Inserted by Act 11 of 1999.
[32] Inserted by Act 13 of 1999.
[33] Inserted by Act 13 of 1999.

(d) has been sentenced by a criminal court for any electoral offence punishable under section 136 [.....][34] Section 138 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification; or

(e) has applied to be adjudicated, or is adjudicated, an insolvent; or

(f) acquires any interest in any subsisting contract made with, or work being done for, the Government or the panchayat concerned except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act:

Explanation. - A person shall not, by reason of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Government or the panchayat concerned may be inserted or by reason of his holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Government or the panchayat, be disqualified under this clause; or

(g) is employed as a paid legal practitioner on behalf of the Government or the panchayat concerned; or

(h) ceases to reside within the area of the panchayat concerned; or

(i) is debarred from practising as an Advocate or Vakil; or

(j) is in arrears any kind due by him (otherwise than in a fiduciary capacity) to the Government or the panchayat concerned upto and inclusive of the previous year in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein has expired; or

[35](k) absents himself without the permission of the panchayat concerned from its meetings or the meeting of the standing committee thereof for a period of three consecutive months reckoned from the date of commencement of his term of office or of the last meeting that he attended, or of the restoration to office as member under sub-section (1) of section, 37. as the case may be, or if within the said period, only in less than three meetings of the panchayat or of the Standing Committee as the case may be, have been held, absents himself from three consecutive meetings held after the said date;]

Provided that no meeting from which a member absented himself shall be counted against him under this clause if, -

(i) due notice of that meeting was not given to him; or than that prescribed for an ordinary meeting; or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or

(iii) the meeting was held on a requisition of members; or

[36][Provided further that no permission shall be granted by the Panchayat to a member for absenting himself from meetings of the Panchayat or of the Standing Committee for a continuous period of more than six months.]

(l) is disqualified under any provisions of the Constitution or under any law for the time being in force for the purpose of election to the Legislature of the State; or

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[34] Omitted by Act 7 of 1995

[35] Amended by Act 13 of 1999.

[36] Ibid

(m) is disqualified under any other provision of this Act.

[37](n) has been disqualified under the provision of Kerala Local Authorities (Prohibition of Defection) Act, 1999; or

(o) is liable for the loss, waste or misuse caused to the panchayat;

(p) has failed, twice consecutively to convene the meetings of the Grama Sabha, due once in three months of which he is the convenor; or

(q) has failed to file declaration of his assets within the time limit prescribed under section 159]

[38] [35A, ***Cessation of membership.*** **–** No. member of a panchayat shall be a member of the Parliament or of the State Legislature at the same time and accordingly he shall cease to hold the office as a member of the Panchayat. –

(a) where a person elected as a member of the panchayat has been a member of the parliament or of the Legislature before assuming his office and has not resigned the membership thereof or;

(b) where a member of the Panchayat who is elected or nominated as a member of the Parliament or of the State Legislature on assuming such office]

36. ***Determination of subsequent disqualification of a member.*** **-** (1) Whenever a question arises as to whether a member has become disqualified under section 30 or section 35 excluding clause (n) thereof after having been elected s a member, any member of the panchayat concerned or any other person entitled to vote at the election in which the member was elected, may file a petition before the State Election Commission, for decision.

[39] [Provided that, the Secretary or the Officer authorised by the Government in this behalf may refer such a question to the State Election Commission for decisions.]

(2) The State Election Commission, after making such enquiry as it consider necessary in the petition referred to in of the reference made there under in subsection (1) whether so however that the State Election Commission may pass an interim order as to whether a member may continue in office of not till a decision is taken on the petition or the matter involved in the reference.

[40](3) A petition [or reference] referred to in sub-section (1) shall be disposed of in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit.

37. ***Restoration of membership.*** **–** (1) Where a person ceases to be a member of panchayat at any level under section 31 or clause (a) of section 35, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be member under clause (k) of section 35 the Secretary of the Panchayat concerned shall at once intimate the fact in writing to such person and report the same at the next meeting of the panchayat. If such person applies for restoration to the panchayat on or before the date of the next meeting or within fifteen days of the receipt by him of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to his office of member:

Provided that a member shall not be restored more than twice during his term of office.

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[37] Inserted by Act 13 of 1999.
[38] Ibid
[39] Substituted by Act 13 of 1999.
[40] Inserted by Act 13 of 1999.

CHAPTER VIII
NOTIFICATION OF GENERAL ELECTIONS AND ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS.

38. ***Notification for general election to panchayats.*** - (1) A general election shall be held for the purpose of constitution or reconstitution of new panchayats before the expiration of the duration of the existing panchayats.

(2) For the said purpose, the Government shall, by one or more notifications published in the Gazette on such date or date as may be recommended by State Election Commission, call upon all the constituencies of the panchayats in the State to elect members in accordance with the provisions of this Act and of the rules and orders made there under.

39. ***Delegation of functions of State Election Commission.*** - The functions of the State Election Commission under this Act or the rules made there under, may subject to such general or special directions, if any, given by the State Election Commission in this behalf be performed also by the Secretary to the State Election Commission:

Provided that the commission shall have power to examine any such decision taken by the Secretary either *suo moto* or on the basis of any complaint, and take suitable decision thereon.

40. ***General duties of district election officers.*** - Subject to the superintendence, direction and control of the State Election Commission the district election officer, shall co-ordinate and supervise all work, in the district in connection with the conduct of all elections to the panchayats in the district.

[41][40 A. ***Election Observers.-*** (1) The State Election Commission may nominate adequate number of higher officials of the Government as observers in consultation with the Government for observing the election of the Panchayat.]

[42][(2) The observer nominated under subsection (1) shall assist the State Election Commission to ensure a fair and equitable election and shall discharge such other function as may be entrusted by the Commission.]

41. ***Returning Officers.*** – For every Panchayat for every election to fill a seat or seats in the Panchayat, the State Election Commission, shall, consultation with the Government, designate or nominate [43]one or more returning Officer who shall be an Officer of the government or of a local Self Government Institutions:

Provided that nothing in the section shall prevent the State Election Commission from designating or nominating the same person to be the returning Officer for more than one Panchayats lying adjacent.

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[41] Inserted by Act 13 of 1999.
[42] Inserted by Act 13 of 1999.
[43] Substituted by Act 13 of 1999.

42. ***Assistant Returning Officers.*** **-** (1) The State election Commission may appoint one or more persons as assistant returning officers to assist any returning officer in the performance of this functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the returning officer:

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relates to the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said function.

43. ***Returning officer to include assistant returning officers performing the functions of the returning officer.*** **–** References in this Act to the returning officer shall, unless the context otherwise requires, be deemed to include an assistant returning officer performing any function which he is authorised to perform under sub-section (2) of section – 42.

44. ***General duty of the returning officer.*** **-** It shall be the general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made there under.

45. ***Provision of polling stations.*** **-** The district election officer shall with the previous approval of the State Election Commission provide sufficient number of polling stations for every panchayat within his jurisdiction, and shall publish in such manner as the State Election Commission may direct a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

46. ***Appointment of presiding officers for polling stations.*** **-** (1) The district election officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or in relation to the election.

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working or, a candidate in or in relation to the election, to be the polling officer during the absence of the former officer, and inform the district election officer accordingly:

Provided further that nothing in this sub-section shall prevent the district election officer from appointing the same person to be presiding officer for more than one polling station in the same premises.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made there under.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling

officer as has been previously authorised by the district election officer to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-section (2) or sub-section (3) as the case may be.

47. ***General duty of the presiding officer*: -** It shall be the general duty of the presiding officer at a polling station to keep order there at and to see that the poll is fairly taken.

48. ***Duties of a polling officer*: -** It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

[44]48A. ***Returning Officer, Presiding Officer etc. be deemed to be on deputation to the Election Commission. -*** The Returning Officer, the Assistant Returning Officer, the Presiding Officer, the Polling Officer, any other Officer and any Police Officer designated for the time being to conduct a general election or bye-lection under the provisions of this Act shall be deemed to be on deputation to the State Election Commission for the period from the date of the notification for such election to the date of declaration of the result of such election and accordingly, such officers shall be subject to the control, supervision and command of the State Election Commission during that period.

[44] Added by Act 13 of 1999.

CHAPTER IX
CONDUCT OF ELECTIONS

49. ***Appointment of dates for nominations, etc.*** **–** As soon as the notification calling upon the constituencies in a panchayat at any level to elect a member or members is issued, the State Election Commission shall, by notification in the Gazette, appoint –

(a) the last date for making nomination which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is public holiday, the next succeeding day which is not a public holiday;
(b) the date for the scrutiny of nominations which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and
(e) the date before which the election shall be completed.

50. ***Public notice of election.*** **-** On the issue of a notification, under section 49, the returning officer shall give public notice of the intended election in such form and manner, as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

51. ***Nomination of candidates for election.*** **-** Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the constitution and this Act;

[45][Provided that a person nominated as a candidate to fill a seat in a constituency in a Panchayat shall not be nominated as a candidate for another constituency in the same Panchayat].

52. ***Presentation of nomination paper and requirements for a valid nomination.*** **-** (1) on or before the date appointed under clause (a) of section 49, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 50, a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer.

(2) In a constituency where the seat is reserved for Scheduled Caste or Scheduled Tribe a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member.

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[45] Substituted by Act 7 of 1995.

(3) Where the candidate is a person who, having held any office referred to in clause (K) of section 34 has been dismissed or removed and period of five years has not elapsed since the dismissal or removal such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the State Election Commission to the effect that he has not been dismissed or removed for corruption, or disloyalty.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls;

Provided that no misnomer on inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer inaccurate description, or clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(5) Where the candidate is an elector of a different constituency a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall unless it has been filed along, with the nomination paper, be produced before the returning officer at the time of scrutiny.

(6) Nothing in the section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer.

53. ***Deposits.-*** (1) A candidate shall not be deemed to be duly nominated for election from a constituency of a panchayat at any level unless he deposits or causes to be deposited such sum, as may be prescribed, and different rates may be prescribed or different levels of the panchayats. In the case of candidates belonging to Scheduled Castes or Scheduled Tribes, the amount of deposit shall be fifty per cent, of the amount prescribed for such constituency:

Provided that where a candidate has been nominated by more than one nomination paper, not more than one deposit shall be required of him under this sub-section.

(2) Any sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub section unless at the time of delivery of the nomination paper under sub-section (1) of section 52, the candidate has either deposited or caused to be deposited that sum with the returning officer in cash or enclosed with the nomination

paper a receipt showing that the said sum has been deposited by him or on his behalf in the office of such authority as may be notified by the Government.

54. ***Notice of nominations and the time and place for their security*. -** The returning officer shall, on receiving the nomination paper under sub-section (1) of section 52, inform the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nominations sand shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions both of the candidate and of the proposer as contained in the nomination paper.

55. ***Scrutiny of nominations.* -** (1) On the date fixed for the scrutiny of nominations under section 49, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidates, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 52.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely: -

(a) that on the date fixed for the scrutiny of nominations, the candidate is either not qualified or is disqualified for being chosen to fill the seat under any of the provisions of this Act;
(b) that there has been failure to comply with any of the provisions of section 52 or section 53; or
(c) if he is satisfied that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-section (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect, which is not of a substantial nature.

(5) The retuning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 49 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by cause beyond his control;

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next working day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purpose of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 17.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates and affix it on his notice board.

56. ***Withdrawal of candidature.*** **-** (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him delivered before three O'clock in the afternoon on the day fixed under clause (c) of Section 49 to the returning officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate;

Provided that if that day has been notified by the Government as a day to be observed as a holiday in Government offices, the notice of withdrawal shall be considered as having been delivered in due time if it is delivered before three O'clock in the afternoon on the next succeeding day which is not a holiday so notified.

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office and in the office of the concerned panchayat.

57. ***Publication of list of contesting candidates.*** **-** (1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 56, the returning officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates.

(2) The said list shall contain the names in Malayalam alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars, as may be prescribed.

58. ***Election agents.*** **-** A candidate at an election may appoint, in the prescribed manner any one person other than himself to be his election agent and when any such

appointment is made notice of the appointment shall be given in the prescribed manner, to the returning officer.

59. ***Disqualification for being an election agent.*** **-** Any person who is for the time being disqualified under this Act for being a member of a panchayat shall be disqualified for being an election agent at any election.

60. ***Revocation of the appointment or death of an election agent.*** **-** (1) Any revocation of the appointment of an election agent, shall be signed by the candidate and shall operate from the date on which it is lodged with the returning officer.

(2) In the event of such a revocation or of the death of an election agent whether that even occurs before or during the election, or after the election but before the account of the candidate's election expenses has been lodged in accordance with the provisions of section 86, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made notice of the appointment shall be given in the prescribed manner to the returning officer.

61. ***Functions of election agents.*** **-** An election agent may perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.

62. ***Appointment of polling agents.*** **-** A contesting candidate or his election agent may appoint, in the prescribed manner, such number of agents, and relief agents, as may be prescribed, to such number of agents, and relief agents, as may be prescribed, to act as polling agents of such candidate at each polling station provided under section 45.

63. ***Appointment of Counting Agents.*** **-** A contesting candidate or his election agent may appoint, in the prescribed manner one or more persons; but not exceeding such number, as may be prescribed, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made notice of the appointment shall be given in the prescribed manner to the returning Officer.

64. ***Revocation of the appointment of death of a polling agent or a counting agent.*** **-** (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint, in the prescribed manner, another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment, in the prescribed manner, to such officer, as may be prescribed.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a counting agent, before the commencement of the counting of votes, the candidate or his election agent may appoint, in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment, in the prescribed manner, to the Returning Officer.

65. ***Functions of polling agents and counting agents.*** **-** (1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent.

66. ***Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent.*** **-** (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided under section 45 for the taking of the poll.

(2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate, if appointed, would have been authorised by or under this Act to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

67. ***Non-attendance of polling or counting agents.*** **-** Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

68. ***Death of candidate before poll.-***If a candidate whose nomination has been found valid on scrutiny under section 55 and who has not withdrawn his candidature under section 56 dies and a report of his death is received before the publication of the list of contesting candidates under section 57, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the State Election Commission and also to the Government and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 56 before the countermanding of the poll shall be [46][intelligible] for being nominated as a candidate for the election after such countermanding.

69. ***Procedure in contested and uncontested elections.*** **-** (1) if the number of contesting candidates for a constituency is more than one, a poll shall be taken.

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[46] Substituted by Act 7 of 1995.

(2) If there is only one candidate for a constituency, the Returning Officer shall declare him to be duly elected.
(3) If there is no candidate, election proceedings shall be started afresh for filling up the vacancy in all respects as it for a new election.

70. ***Fixing time for poll.*** **-** The State Election Commission shall fix the hours during which the poll will be taken, and the hours so fixed shall be published in such manner, as may be prescribed:

Provided that the total period allotted on any one-day or polling at an election to a constituency shall not be less than eight hours between 7 a.m. and 5 p.m.

71. ***Adjournment of poll in emergencies.-(***1) If at an election the proceedings at any polling station provided under section 45 for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the Presiding Officer or such polling station or the Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Returning Officer shall immediately report the circumstances to the appropriate authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoint the day on which the poll shall commence, and fix the polling station or place at which, and the hours during which the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in such manner as the State Election Commission may direct the date, place and hours of polling fixed under sub-section (2).

72. ***Fresh poll in the case of destruction, etc. of ballot boxes.*** **-** (1) If at any election -

(a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station or place cannot be ascertained, or
(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, the returning officer shall forthwith report the mater to the State Election Commission.

(2) Thereupon the State Election Commission shall, after taking all material circumstances into account, either –

(a) declare the poll at that polling station or place to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station or place and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions, of this Act and of any rules or orders made hereunder shall apply to every such fresh poll as they apply to the original poll.

73. ***Countermanding of election or adjournment of poll on the ground of booth capturing.*** **-** (1) If at any election –

(a) Booth-capturing has taken place at a polling station or at a place fixed for the poll (hereafter in this section referred to as a place) in such a manner that the result of the poll at that polling station or place cannot be ascertained; or

(b) booth-capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commission shall, on receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either –

(a) declare that the poll at that polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or
(b) if satisfied that in view of the large number of polling stations or place involved in booth-capturing, the result of the election is likely to be affected, or that booth-capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency.

Explanation. **-** In this section, “booth-capturing” shall have the same meaning as in section 137.

74. ***Manner of voting at lection.*** **-** At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

75. ***Special procedure for preventing personation of electors.*** **–** With a view to preventing personation of electors provision may be made by rules made under this Act, -

(a) for the marking, with indelible ink, of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

(b) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger.

76. ***Right to vote.*** **–** (1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of a constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 17.

(3) No person shall vote at a general election in more than one constituency of the same level, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

(4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

77. ***Counting of votes.*** **-** At every election where a poll is taken votes shall be counted by, or under the supervision and direction of, the Returning Officer and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

78. ***Destruction, loss etc. of ballot papers at the time of counting.*** **-** 1) If at any time before the counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that, the result of the poll at that polling station or place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account, either –

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
(b) If satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election, issue such directions to the returning

officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made there under shall apply to every such fresh poll as they apply to the original poll.

79. ***Equality of votes.*** **-** If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

80. ***Declaration of results.-*** When the counting of the votes has been completed, the returning officer shall, in the absence of any direction by the State Election Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made there under.

81. ***Report of the result.*** **-** As soon as may be after the result of an election has been declared, the returning officer shall report the result to the panchayat concerned, to the State Election Commission and to the Government, and the State Election Commission shall cause to be published in the Gazette the declarations containing the names of the elected candidates. The name or names of the elected candidate or candidates shall also be published on the notice board of the panchayat concerned.

82. ***Date of election of candidate.*** **-** For the purpose of this Act, the date on which a candidate is declared by the returning officer under the provisions of section 69, or section 80, to be elected to a panchayat shall be the date of election of that candidate.

83. ***Publication of results of general elections to the panchayat.*** **-** Where a general election is held for the purpose of constituting or reconstituting a panchayat there shall be notified by the State Election Commission in the Gazette, as soon as may be, after the results of the elections in all the constituencies, other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 49 or for which the time for completion of the election has been extended under the provisions of section 143, have been declared by the returning officer under the provisions of the section 69 or, as the case may be, section 80, the names of the members elected for those constituencies and upon the publication of such notification the members shall be deemed to be duly elected;

Provided that the publication of such notification shall not be deemed –

(a) to prelude -

(1) the taking of the poll and the completion of the election in any panchayat constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (e) of section 49; or

(2) the completion of the election in any panchayat constituency or constituencies for which time has been extended under the provisions of section 143;

(b) to affect the duration of the panchayat, if any, functioning immediately before the issue of the said notification.

[47]83A. ***Cessation of membership.*** **-** (1) No person, shall be a member in more than one level in a Panchayat and a person who is elected to more than one level in a Panchayat shall, within fifteen days of his being so elected intimate to the State Election Commission, in writing, information regarding the Panchayat in respect of which he wishes to be a member and the panchayat in respect of which he wishes to vacate his membership and on his failure in so intimating, his membership in all the levels of the panchayats to which he has been elected shall be deemed to have ceased.

(2) As soon as the intimation in writing is received from a person under sub-section (1), the State Election Commission shall declare that he has by such intimation vacated his membership in respect of all the panchayats except the panchayat in respect of which he has intimated his wish to be a member.

(3) When a person being a member of a panchayat at one level is also elected as member at another panchayat level, unless he resigns his membership of the panchayat of which he is a member within fifteen days from the date on which he is so elected, his membership in the panchayat to which he is so elected shall cease;

(4) Nothing contained in this section shall be a bar for a President of a Village Panchayat continuing as a member in a Block Panchayat or for a Block Panchayat President continuing as a member in a District Panchayat under clause (b) of sub sub-section (1) of section 8 or as the case may be, under clause (b) of sub-section (1) of section 9.

(5) If any dispute arises in respect of vacating of membership or cessation of membership under this section, it shall be referred to the State Election Commission for decision and the Commission's decision thereon shall be final.

84. ***Bye-elections to fill casual vacancies.*** **-** (1) When a panchayat at any level is dissolved before its duration specified in Article 243E or when the seat of a member elected to a panchayat becomes vacant or is declared vacant or his election to the panchayat is declared void, the State Election Commission shall, subject to the provisions of – sub-section (2) by a notification in the Gazette, call upon the constituencies in such panchayat or the constituency concerned, as the case may be, to elect members or member for the purpose of constituting the panchayat or filling the vacancy, as the case may be, before such date as may be specified in the notifications and the provisions of this Act and of the rules and orders made there under shall apply as far as may be, in relation to such election.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for Scheduled Tribes or for women the notification issued under

[47] Inserted by Act 7 or 1995.

sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to Scheduled Tribes or be a women, as the case may be,

85. ***Account of election expenses and maximum thereof.*** **-** (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof (both dates inclusive).

Explanation 1. **–** any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body or persons or by any individual (other than the candidate or his election agent)- shall not be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purposes of this sub-section.

Explanation 2. **-** For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (8) of section 120 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-section.

(2) The account shall contain such particulars, as may prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

[48]86. ***Lodging of accounts [with the officer authorised by the State Election Commission].*** **-** Every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate lodge with the officer authorised by the State Election Commission, an account of his election expenses along with the connected records which shall be a true copy of the account kept by him or by his election agent under Section 85. The said officer shall, as soon as may be, immediately after the expiry of the said period of 30 days, make available to the officer appointed by the Commission, the accounts of election expenses received by him along with a list of candidates who did not lodge the accounts of election expenses prescribed by the Commission.

[48] Substituted by Act 13 of 1999.

CHAPTER X
DISPUTES REGARDING ELECTION

87. ***Election petitions.*** **-** No election shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

88. ***The Court competent to try election petitions.*** **-** (1) the court having jurisdiction to try an election petition shall be, -

(a) In the case of a village panchayat, the Munsiff's Court having jurisdiction over the place in which the headquarters of the panchayat is located; and
(b) In the case of block panchayat or district panchayat the district court having jurisdiction over the place in which the headquarters of the panchayat concerned is located.

(2) The Government shall, in consultation with the High Court notify the appropriate courts in the Gazette.

89. ***Presentation of petitions.*** **-** (1) An election petition calling in question any Election may be presented on one or more of the grounds specified in section 102 and section 103, to the appropriate court as specified in section 88, by any candidate at such election or by any elector within 30 days from, but not earlier than, the date on which the returned candidate was declared elected.

Explanation – In this sub-section, 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

90. ***Parties to the petition.*** **-** A petitioner shall join as respondents to his petition.

(a) Where the petitioner, in addition to claiming a declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidates; and
(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

91. ***Contents of petition.*** **-** (1) An election petition –

(a) shall contain a concise statement of the material facts on which the petitioner relies;
(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings;

Provided that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

92. ***Relief that may be claimed by the petitioner.*** **-** A petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

93. ***Trial of election petition.*** **-** (1) The Court shall dismiss an election petition which does not comply with the provisions of section 89 or section 90 or section 115.

Explanation. **-** An order of the court dismissing an election petition under, this sub-section shall be deemed to be an order made under clause (a) of section 100.

(2) Where more election petitions than one are presented to the court in respect of the same election, the court may, in its discretion, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the court, be entitled to be joined as a respondent.

Explanation. **-** For the purposes of this sub-section and section 100 the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the court and answer the claim or claims made in the petition.

(4) The court may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner, as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) Every election petition shall be tried as expediously as possible and shall be disposed of within six months from the date on which the election petition is presented to the Court for trail.

94. ***Procedure before the court.*** **-** (1) Subject tot the provisions of this Act and of any rules made there under, every election petition shall be tried by the court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to the trial of suits:

Provided that the court shall have the discretion to refuse for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the Party tendering such witness or witnesses is doing so in frivolous ground or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872), shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of any election petition.

95. ***Documentary evidence.*** **-** Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trail of an election petition on the ground that it is not duly stamped or registered.

96. ***Secrecy of voting not be infringed.*** **-** No witness or other person shall be required to state for whom he has voted at an election.

97. ***Answering of criminating questions and certificate of indemnity.*** **-** (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trail of an election petition upon the ground him, that the answer to such question may criminate or may tend to criminate or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that –

(a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the court;
(b) an answer given by a witness to a question put by or before the court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under chapter IXA of the Indian Penal Code (Central Act 45 of 1860), or Chapter XI of this Act arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by this Act or any other law.

98. ***Expenses of witnesses.*** **–** the reasonable expenses incurred by any person in attending to give evidence may be allowed by the court to such person and shall, unless the court otherwise directs, be deemed to be part of the costs.

99. ***Recrimination when seat claimed.*** **-** (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party, as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the court of his intention to do so and has also given the security and the further security referred to ain section 115 and 116 respectively.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and particulars required by section 91 in the case of an election petition and shall be signed and verified in like manner.

100. ***Decision of the court.*** **-** At the conclusion of the trial of an election petition the court shall make an order –

(a) dismissing the lection petition; or
(b) declaring the election of the returned candidate to be void; or
(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

101. ***Other orders to be made by the court.*** **-** At the time of making an order under section 100, the court shall also make an order -

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording –
(i) a finding whether any corrupt practice has or has not been proved to have committed at the election, and the nature of that corrupt practice; and
(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that any practice; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless –

(i) he has been given notice to appear before the court and to show cause why he should not be so named; and
(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the court and has given evidence against him, of calling evidence in his defence and of being heard.

102. ***Grounds for declaring election to be void.*** **-** (1) Subject to the provisions of sub-section (2) if the court is of opinion –

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act; or
(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected –

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent; or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made there under, the court shall declare that the election of the returned candidate to be void.

(2) if in the opinion of the court a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the court is satisfied. –

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;

(b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of this agents, then the court may decide that the election of the returned candidate is not void.

***Explanation*. -** In this section the term 'agent' has the same meaning as in section 120.

103. ***Grounds for which a candidate other than the returned candidate may be declared to have been elected. –*** If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the court is of opinion –

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the court shall after declaring the election of the returned candidate to be void declared the petitioner or such other candidate, as the case may be, to have been duly elected.

104. ***Procedure in case of an equality of votes.*** **-** If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of one vote would entitle any of those candidates to be declared elected, then-

(a) any decision made by the returning officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and

(b) in so far as that question is not determined by such a decision the court shall decide between them by lot and proceed as if the one on whom the lot then falls and received an additional vote.

105. ***Communication of orders of the court.*** **-** The court shall, as soon as may be, after the conclusion of the trial of an election petition, intimate the substance of the order to the State Election Commission and the President of the Panchayat concerned and, as soon as may be, thereafter, shall send to the State Election Commission an authenticated copy of the order.

106. ***Transmission of order to the appropriate authority etc., and its publication.*** **–** As soon as may be after the receipt of any order made by the court under section 100 or section 101, the State Election Commission shall forward copies of the order to the President of the panchayat concerned and, shall cause the order to be published in such manner as the State Election Commission may deem fit.

107. ***Effect of orders of the court.*** **-** (1) An order under section 100 or section 101 shall take effect as soon as it is pronounced by the court.

(2) Where by an order under section 101 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof participated as a member of a panchayat shall not be invalidated by a reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

108. ***Withdrawal of election petitions.*** **–** (1) An election petition may be withdrawn only by leave of the court, if an application for its withdrawal is made.

(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the office of the panchayat concerned.

109. ***Procedure for withdrawal of election petition.*** **-** (1) if there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent in writing of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the court and if the court is satisfied that such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted –

(a) the petitioner shall be ordered to pay the costs of the respondents thereto for incurred or such portion thereof as the court may think fit;
(b) the court shall direct that the notice of withdrawal shall be published in the office of the court and also in the office of the panchayat concerned;
(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in the place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted, and to continue the proceedings upon such terms as the court may deem fit.

110. ***Report of withdrawal by the court to the State Election Commission. –*** When an application for withdrawal is granted by the court and no person has been substituted as petitioner under clause (c) of sub-section (3) of section 109, in the place of the party withdrawing, the court shall report the fact to the State Election Commission.

111. ***Abatement of election petitions. -*** (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-section (1), notice of the abatement shall be published in the Office of the Court, in the Office of the State Election Commission and in the Office of the panchayat concerned.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the court may deem fit.

112. ***Abatement or substitution on death of respondent. -*** If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the court shall cause notice of such even to be published in the Office of the Court, in the Office of the State Election Commission and in the office of the Panchayat concerned and thereupon any person who might have been a petitioner may, within fourteen days of such publication apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the court may think fit.

113. ***Appeals. –*** (1) Any person aggrieved, by an order made by the court under section 100 or section 101, may prefer an appeal, on any question of law or of fact, -

(a) before the District Court on the decision of the Munsiff's Court; and
(b) before the High Court on the decision of the District Court;

(2) the Government shall, in consultation with the High Court notify the appropriate courts in the Gazette.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order of the court under section 100 or section 101:

Provided that the Appellate Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

114. ***Procedure in appeal. –*** (1) Subject to the provisions of this Act and of the rules, if any, made there under the District Court or the High Court may dispose of the appeal in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the hearing of appeals and the decision of the Court in the appeal shall be final:

Provided that such appeals shall be disposed of, as far as possible within six months from the date of filing of such appeals.

(2) As soon as an appeal is decided, the Appellate Court shall intimate the substance of the decision to the State Election Commission and the President of the Panchayat concerned and as soon as may be, thereafter shall send to the State Election Commission an authenticated copy of the decision; and upon its receipt, the State Election Commission shall –

(a) forward copies thereof to the authorities to which copies of the order of the court were forwarded under section 106; and
(b) cause the decision to be published in such manner as the State Election Commission may deem fit.

115. ***Security for costs. –*** (1) At the time of presenting an election petition, the petitioner shall deposit in the court a sum of five hundred rupees as security or enclose with the petition a Government treasury receipt showing that the deposit of the said amount has been made by him in a Government treasury in favour of the Musiff or the District Judge, as the case may be, as security for the costs of the petition.

(2) During the course of the trial of an election petition, the court may at any time call upon the petitioner to give such further security for costs as it may direct and if the petitioner fails to do so inspite of allowing sufficient time, dismiss the petition.

116. ***Security for costs from a respondent. –*** No person shall be entitled to be joined as a respondent under sub-section (3) of section 93 unless he has given such security for costs as the court may direct.

117. ***Costs. –*** Costs shall be in the discretion of the court, provided that where a petition is dismissed under clause (a) of section 100, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the court shall make an order for costs in favour of the returned candidate.

118. ***Payment of costs out of security deposits and return of such deposits. –*** (1) If in any order as to costs under the provisions of this chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party under this chapter on an application made in writing in that behalf within a period of one year from the date of such order to the court by the person in whose favour the costs have been awarded.

(2) If there is any balance left out of any of the said security deposits, after payment under sub-section (1) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year the whole of the said security deposits may, on an application made in that behalf in writing to the court by the person by whom the deposit have been made, or if such person dies after making such deposits, by the legal representative of such person be returned to the said person or to his legal a representative, as the case may be.

119. ***Execution of orders as to costs.*** **-** Any order as to costs under the provisions of this chapter may be produced before the principal civil court of original jurisdiction with the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion there of may be recovered by an application made under sub-section (1) of section 115, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub section owing to the insufficiency of the amount of the security deposits referred to in that sub section.

CHAPTER XI

CORRUPT PRACTICES AND ELECTORAL OFFENCES

120. ***Corrupt practices.*** **-** The following shall be deemed to be corrupt practices for the purposes of this Act –

(1) 'Bribery', that is to say, -

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing –

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or
(b) an elector to vote or refrain from voting at an election, or as a reward to –

(i) a person for having so stood, or not stood, or for having withdrawn or not having withdrawn his candidature; or
(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward –

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or
(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation. **-** For the purposes of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in Section 85.

(2) 'Undue influence', that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate, or his agent, or of any other person with the consent of the candidate or his election agent; with the free exercise of any electoral right:

Provided that –

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who -

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be tendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(b) a declaration of public policy or a promise of public action, or the more exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols such as the national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under nay rules made under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate or his agent or any other person with the consent of a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 45:

Provided that the hiring of a vehicle or vessel by an elector or by several electors as their joint cost for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport, vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

***Explanation.* –** In this clause, expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The incurring or authorising of expenditure in contravention of section 85.

(8) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of a panchayat or of Government, and belonging to any of the following classes, namely: -

(a) gazetted officers;
(b) members of police forces;
(c) excise officers;
(d) revenue officers; and
(e) such other class of persons in the service of the Government as may be prescribed;

Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge or this official duty makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his election agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidates election.

(9) Booth capturing by a candidate or his agent or other person acting with the consent of the candidate or his election agent.

***Explanation 1.* –** In this section the any expression 'agent includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

***Explanation 2.* –** For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

***Explanation 3.*–** For the purposes of clause (8), notwithstanding anything contained in any other law, the publication in the Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government or of a panchayat shall be conclusive proof –

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment resignation, termination of service, dismissal or removal from service as the case may be, is stated in such publication; also of the fact that such person was appointed with effect from

the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.

***Explanation 4.* –** For the purposes of clause (9), 'both capturing' shall have the same meaning as in section 137.

121. ***Promoting enmity between classes in connection with election.* –** Any person who in connection with an election, under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees or with both.

122. ***Prohibition of public meetings on the day preceding the lection day and on the election day.* –** (1) No person shall convene, hold or attend any public meeting within a constituency during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for an election in that constituency.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

123. ***Disturbances at election meetings.* –** (1) Any person who at a public meeting to which this section applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1) he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

124. ***Restrictions on the printing of pamphlet, posters, etc.* –** (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and publisher thereof.

(2) No Person shall print, or cause to be printed any election pamphlet or poster –

(a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) Unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document printed to such officer as may be authorised by the State Election Commission in this behalf.

(3) For the purposes of this section, -

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and
(b) 'election pamphlet or poster' means any printed pamphlet hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to lection agents or workers.

(4) Any person who contravenes any of the provisions of sub section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

125. ***Maintenance of Secrecy of voting.*** **–** (1) Every Officer, Clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under nay law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

126. ***Officers, etc. at elections not to act for candidates or to influence voting.*** **–** (1) No person who is a district election officer or a returning officer or an assistant returning officer or a presiding or polling officer at an election, or an officer or employee performing any duty in connection with an election shall in the context or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of police force, shall endeavour –

(a) to persuade any person to give his vote at an election, or
(b) to dissuade any person from giving his vote an election, or
(c) to influence the voting of any person at an election, in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to three years or with fine or with both.
(4) An offence punishable under sub-section (3) shall be cognisable.

127. ***Prohibition of canvassing in or near polling stations.*** **–** (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of two hundred metres of the polling station namely: -

(a) canvassing for votes; or
(b) soliciting the vote of any elector; or
(c) persuading any elector not to vote for any particular candidate; or
(d) persuading any elector not to vote at the election; or
(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

128. ***Penalty for disorderly conduct in or near polling stations.*** **–** (1) No person shall on the date or dates on which a poll is taken at any polling station, -

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus or amplifying or reproducing the human voice such as a megaphone or a loudspeaker, or
(b) shout or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with five which may extend to five hundred rupees or with both.

(3) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

129. ***Penalty for misconduct at the polling station.*** **–** (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) the powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station, without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

(4) An offence punishable under sub-section (3) shall be cognisable.

130. ***Penalty for failure to observe procedure for voting.*** **–** If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

131.Penalty for illegal hiring or procuring of conveyances at elections – If any person is guilty of any such corrupt practice as is specified in clause (6) of section 120 at or in connection with an election, he shall be punishable with fine which may extend to one thousand rupees.

132. ***List of officers and staff of the Government Departments, local self Government institutions or other authorities [and educational institutions] to be furnished.–*****(**1) Every head of office or department [49][and headmasters of aided schools and principals of private affiliated colleges] [including] ['Every head of] educational institutions of the Government and every local self Government institution or other authority shall, on requisition by the State Election Commission or an officer authorised by him furnish to him a list of officers and staff of such office' [or educational institution] within such time as may be specified in the requisition, for performing any duty in connection with an election to a Panchayat.

Explanation. **–** For the purpose of this section and section 145, 'other authority' means any authority by whatever name called, constituted by the Government under any law or established by or under any State enactment for the time being in force.

(2) If any person to whom a requisition under sub-section (1) is made by the State Election Commission or an officer authorised by it fails to furnish the list of officers and staff within such time as may be specified in such requisition, he shall be punishable with fine which may extend to five hundred rupees.

133. ***Breaches of official duty in connection with elections.*** **–** (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election.

Explanation. **–** The expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

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[49] Inserted by Act 7 of 1995.

134. ***Requisitioning of premises etc. for election purposes, –*** (1) If it appears to the State Election Commission or the District Election Officer that in connection with an election to a panchayat –

(a) any premises are needed to are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
(b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election, the State Election commission or as the case may be, the District Election Officer may by order in writing requisition such premises or such vehicle or vessel, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning in respect of matters including reasonable remuneration to be given therefor:

Provided that no vehicle or vessel which is being lawfully, used by candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing, addressed to the person deemed by the State Election Commission or as the case may be, the District Election Officer to be the owner or person in possession of the property.

(3) Whenever any property is requisitioned under sub-section (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(5) In this section –

(a) 'premises' means, any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.
(c) 'vessel' means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.

135. ***Penalty for Government servants or servants of a local self Government institution for acting as election agent, polling agent or counting agent. –*** If any person in the service of the Government or of a local self Government institution acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

136. ***Removal of ballot papers from polling station to be an offence.*** **–(**1) Any person who at any election fraudulently takes, a or attempts to take a ballot paper, out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause women to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognisable.

137. ***Offence of booth capturing.*** **–** Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government or a local authority, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation. **–** For the purposes of this section, 'booth capturing' includes among other things, all or any of the following activities, namely: -

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections.
(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting.
(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes.
(e) doing by any person in the service of the Government or a local authority of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

138. ***Other offences and penalties thereof.*** **–** (1) A person shall be guilty of an electoral offence, if at any election he -

(a) fraudulently defaces or fraudulently destroys any nomination papers; or
(b) fraudulently defaces, destroys or removes any list; notice or other document affixed by or under the authority of a returning officer; or
(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or
(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or
(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall, -

(a) if he is a retuning officer or an assistant returning officer or a presiding officer of a constituency or any other officer or employee on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;
(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression ‘Official duty’ shall not include any duty imposed otherwise than by or under this Act.

CHAPTER XII
STATE ELECTION COMMISSION

139. ***Powers of the state Election Commission.–*** (1) Where the State Election Commission in deciding any question under sub-section (2) of section 34 or section 36 of this Act considers it necessary or proper to make an inquiry, and the commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decision in the matter which is being inquired into the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely;-

(a) summoning and enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of any document or other material object producible as evidence;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or a copy thereof from any court or office;
(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person including Government officials subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.

(3) The commission shall be deemed to be a civil court and when any such offence, as is described in section 175; section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act 45 of 1860), is committed in the view or presence of the Commission, the Commission may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

(4) Any proceeding before the Commission shall be deemed to be judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code 1860 (Central Act 45 of 1860)

140. ***Statements made by persons to the State Election Commission. –*** No statement made by a person in the course of giving evidence before the State Election Commission shall subject him to, or be used against him in, any Civil or criminal proceeding except a prosecution for giving false evidence by such statement.

Provided that the statement –

(a) is made in reply to a question which he is required by the State Election Commission to answer, or
(b) is relevant to the subject matter of the inquiry.

141. ***Procedure to be followed by the State Election Commission.* –** The State Election Commission shall have the power to regulate its own procedure, including the fixing of places and times of its sittings and deciding whether to sit in public or in private.

142. ***Protection of action taken in good faith.* –** No suit, prosecution or other legal proceeding shall lie against the State Election Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this chapter or of any order made there under or in respect of the tendering of any opinion by the Commission to the Government or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

CHAPTER XIII
GENERAL PROVISIONS REGARDING ELECTIONS

143. ***Extension of time for completion of election.*** **–** It shall be competent for the State Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendment in the notification issued by it under section 49.

144. ***Return of forfeiture of candidates deposit.*** **–** (1) The deposit made under section 53 shall either be returned to the person making it or his legal representative or be forfeited to the panchayat concerned in accordance with the provisions of this section.

(2) Except in cases hereafter mentioned in this section, the deposit shall be returned within three months after the result of the election is declared.

(3) If the candidate is not shown or his name is shown incorrectly in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned to him or to his heir as the case may be, as soon as practicable, after the publication of the list or after his death as the case may be.

(4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one [50][sixth] of the total number of valid votes polled by all the candidates.

145. ***Staff of every local Self Government Institution to be made available.*** **-** Every department of the Government and every local Self Government institution or [51][other authorities and every educational institution including an aided school or private affiliated college] in the State shall when so requested by the State Election Commission or the District Election Officer make available –

(a) to the electoral registration officer, such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral roll; or

(b) to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

146. ***Special provision for adoption of Electoral roll of the Assembly Constituency.*** **-** (1) Notwithstanding anything contained in this Act, the State Election Commission may, - if it deem necessary, prepare the electoral rolls of panchayats without conducting an enumeration by adopting the electoral rolls of the Assembly Constituencies as in force for the purpose of elections under this Act.

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[50] Substituted by Act 7 of 1995.
[51] Inserted by Act 7 of 1995.

(2) The Electoral roll of Assembly Constituency as adopted under sub-section (1) shall be divided into separate parts for each constituency of the panchayats and all electors included in the electoral roll for the Assembly Constituency relating thereto shall be incorporated in the electoral roll of the Constituencies of the panchayat concerned.

Explanation. **-** In this section 'Assembly Constituency means a constituency for the purpose of election to the State Legislative Assembly.

(3) In preparing the electoral rolls under sub-section (1) the State Election Commission shall *mutatis mutandis* follow the procedure laid down for the preparation of electoral rolls under this Act and the rules made there under.

147.***Jurisdiction of civil courts barred.*** **-** No civil court shall have jurisdiction –

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(b) to entertain any question on the legality of any action taken by or under the authority of an electoral registration officer or of any decision given by any other person appointed under this Act for the revision of any such roll;

(c) to entertain any question on the legality of any action taken or of any decision given by the returning officer or by any other persons appointed under this Act in connection with an election.

148. ***Expensed in connection with elections.*** **-** Funds to meet all expenses in connection with the elections to the panchayats including those in relation to the preparation of electoral rolls therefore, shall be provided by the Government at the first instance and such expenses shall be got reimbursed to the Government from the panchayats concerned in such manner as may be prescribed:

Provided that if elections are conducted to different levels of the panchayats simultaneously then the total expenses for election to such panchayats shall be recovered only proportionately from the panchayats concerned.

149. ***Term of office of members.-*** (1) the term of office of members of a village panchayat, a block panchayat or a district panchayat shall be five years from the date fixed for convening the first meeting of that panchayat.

(2) Ordinary vacancies in the office of members of panchayat at any level shall be filled at general elections which shall be fixed by the Government to take place on such day or days within three months before the occurrence of the vacancies as they think fit.

(3) A casual vacancy in the office of a member of panchayat at any level shall be filled by the State Election Commission, within six months after the occurrence of the vacancy, through a bye-election.

(4) No bye-election shall be held to fill a vacancy occurring within six months before the ordinary date of retirement by efflux of time.

(5) A member of a Panchayat at any level elected at a bye-election shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

150. ***Special elections.*** **-** If at a general election or bye-election no person is elected to fill the vacancy a fresh election shall be held within three months after the general election or bye-election, as the case may be, for such vacancy on such day as the State Election Commission may fix.

151. ***Appointment of [52]Special officer or administrative committee or on failure to constitute a Panchayat.*** **-** (1) A Panchayat at nay level shall be deemed to be constituted only when the majority of the members are duty elected.

[53][(2) Where the term of a panchayat has expired and a new panchayat has not been constituted or where panchayat has been dissolved under section 193, the Government may, by notification in the Gazette appoint a Special Officer or an Administrative Committee consisting of not less than three officers of the Government as members for the administration of the panchayat.]
(3) [54][****] Administrative Committee or the special officer shall hold office for such period not exceeding six months as the Government may specify in the notification under sub-section (2).

[55][3 (a) x x]
[56][(4) Where a special officer has been appointed under sub-section (2), all powers functions and duties of the Panchayat concerned, the President, and the various committees of the panchayat, shall be exercised and performed by the special officer and where an Administrative Committee has been appointed, the powers, functions and duties of the panchayat shall be exercise and performed by such committee and the powers, duties and functions of the President and the Vice President shall be exercised and performed by the member of the committee authorised by the Government.

Provided that, the Special Officer or the Administrative Committee appointed shall exercise the powers and perform the functions subject to the general or specific directions issued by the Government.]

(5) The administrative committee or special officers shall be deemed to be a duly constituted panchayat for the purposes of this Act; [57][provided that the term of office of the special officer or of the administrative committee shall, not withstanding that the term as specified in the notification under sub-section (2) has not expired, be deemed to have expired with effect from the date of reconstitutions of the panchayat.]

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[52] Inserted by Act 13 of 1999.
[53] Inserted by Act 13 of 13 1999.
[54] Omitted by Act 13 of 1999.
[55] Omitted by Act 13 of 1999.
[56] Inserted by Act 13 of 1999.
[57] Inserted by Act 13 of 1999.

CHAPTER XIV

PROVISION RELATING TO MEMBERS AND PRESIDENT OF PANCHAYATS

[58][152, ***Oath or affirmation by members.*** **-** (1) After every General election, the Government shall, for convening the first meeting of the panchayat, nominate a person elected as a member of the panchayat and he shall, before convening such meeting, make and subscribe an oath or affirmation in the forms set out for the purpose in the second schedule before the Government officer nominated by the Government for the purpose:

Provided that, as far as possible, the member nominated by the Government shall be the eldest among the members elected to that panchayat.

(2) All other members shall, before assuming office make and subscribe an oath or affirmation in the form set out for the purpose in the second schedule before the member of the panchayat who has been nominated under sub-section (1) on a date specified by the Government and before the date fixed by the State Election Commission for the election of the President under sub-section (5) of section (153]

(3) A member who could not take an oath or affirmation under sub-election (2) or a member elected in a bye-election may take such oath before the president.

(4) No elected member who has not taken an oath or affirmation under sub-section (1) or sub-section (2) or sub-section (3) shall vote or take part in the proceedings of any meeting of the Panchayat in which he is a member nor shall he be included as a member of any committee constituted by that Panchayat.

(5) Government may declare the office of the member as vacated on his own motion, when such a member has not entered upon his office without sufficient cause by taking, oath or affirmation within a maximum period of thirty days from the date he was declared as elected.

153. ***Election of President and Vice-President.*** **-** (1) In every Panchayat there shall be a President and a Vice-President elected from among the elected members of that Panchayat in accordance with the provisions of this Act [59][and the president shall be full time functionary of the Panchayat]

(2) On the constitution of a panchayat or on its reconstitution under any provision of this Act, there shall be called a meeting [by the Returning Officer referred to in sub-section (6)][60] for the election of its President and Vice-President from among the elected members of that Panchayat.

(3) (a) The offices of President of Village Panchayats, Block panchayats and district panchayats in the State shall be reserved by the Government for the Scheduled Castes and the Scheduled Tribes and the number of the offices of President reserved for Scheduled Castes and Scheduled Tribes in the panchayats at each

[58] Substituted by Act 13 of 1999.
[59] Substituted by Act 13 of 1999.
[60] Substituted by Act 13 of 1999.

level in the state shall bear, as nearly as may be, the same proportion to the total number of offices of President at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State;

(b) (i) One-third each of the total number of offices of President of village panchayats, block panchayats and district panchayats in the State reserved under clause (a); and

(ii) One-third each of the total number of offices of President of village Panchayats, block Panchayats and district Panchayats in the State, not so reserved, shall be reserved by the Government, for women.

[61][(4) (a) The offices of the President reserved under sub-section (3) shall be allotted to every level of Panchayat in the different districts by the State Election Commission by notification in the Gazette.

(b) In the case of Block Panchayats and Village Panchayats the reserved seats for the Scheduled Castes and Scheduled Tribes shall be allotted proportionate to their population in the respective districts.

(c) In the case of Village Panchayat, the reserved seats in each district shall be distributed among the Village Panchayats within the area of the various Block Panchayats in the district.

(d) Before issuing notification for General election, the [62][State Election Commission shall allot by rotation the reserved seats under clause (a), (b) and (c) and the rotation shall start from the Panchayat in which the Scheduled Castes or Scheduled Tribes or women have the larges percentage of population and then passed on to the next panchayat having their largest percentage of population and so on:

Provided that where the Panchayat the office of President of which is to be reserved for women and the Scheduled Castes and Scheduled Tribes is one and the same, in so reserving the Office of President preference shall be given to the Scheduled Castes or Scheduled Tribes and in lieu, the office of the President in the Panchayat net having their largest percentage population of women shall be reserved for women:

Provided further that in Panchayats the office of President of which is reserved for the Scheduled Caste or Scheduled Tribes, those in which the women have the more percentage of population of women shall be reserved for women belonging to them.

Provided also that office of President of any panchayat shall be reserved for the Scheduled Caste or Scheduled Tribes or women belonging to them only if at least one constituency of that Panchayat is reserved for that category.]

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[61] Substituted by Act 7 of 1995.
[62] Substituted by Act 7 of 1995.

(5) The meeting for the lection of President and Vice President shall be held on such day within three weeks from the date on which the names of members elected are published by the State Election Commission as may be fixed by the State Election Commission.

(6) For the election of the President and the Vice-President of panchayats the State Election Commission shall designate or nominate an officer of the Government or local authority as the Returning officer.

(7) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for the effectively conducting the election in the manner prescribed.

[63][7. (a) The election shall be by open ballot and the member voting shall, record in writing his name and signature on the reverse side of the ballot paper.]

(8) A member who has not entered upon his office after making and subscribing an affirmation or oath under section 152 shall not have the right to vote for electing President or Vice-President.

(9) If at an election held under sub-section (2), no President or Vice-President is elected a fresh election shall be held for electing the President or Vice-President, the case may be.

(10) The result of the election of the President and the Vice-President of Panchayats shall be published by the State Election Commission in such manner as may be prescribed.

(11) A President shall be deemed to have vacated his office on the expiry of his term of office as member or on his being sentenced by a criminal court for the imprisonment for any offence involving moral delinquency or on his otherwise ceasing to be a member of that Panchayat.

(12) A Vice-President shall be deemed to have vacated his office –

(a) on the expiry of his term of office as member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or on his otherwise ceasing to be a member, or
(b) on his election as President.

(13) Before entering upon the offices, an oath or affirmation in the form set out in the Second Schedule shall be made and subscribed by the President of a panchayat at any level before the office authorised by the Government in this behalf and by the Vice-President before the President.

(14) Where a dispute arises as to the validity of an election of President or Vice-President of a Panchayat, any member of that Panchayat may file a petition.

(a) in the case of Village Panchayat before the Munsiff Court having jurisdiction over the area in which its headquarters is situated.

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[63] Substituted by Act 11 of 1999.

(b) in the case of Block Panchayat or District Panchayat, before the District Court having jurisdiction over the area in which its headquarters is situated for decision and such decision shall be final.

[[64](14) a) the validity of the election of the President or the Vice-President of a Panchayat shall not be called in question for the reason of any vacancy in the place of the members or who shall elect President or Vice-President for the reason of the absence of any member.]

(15) Every petition [65][referred to in sub-section (14)] shall be disposed of in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit

(16) Any casual vacancy arising in the office of the President or Vice-President of a Panchayat shall be reported to the State Election Commission in such manner as may be prescribed and the State election Commission shall take steps for the conduct of election of President or Vice-President, as the case may be, in accordance with the provisions of this Act.

(17) Save as otherwise provided in this Act the term of office of the President and Vice-President of a Panchayat at any level shall be co-extensive with the duration of that Panchayat.

154. ***Duty of retiring President, etc. to hand over charge of office.*** **-** (1) On the election of a new President or Vice-President, it shall be the duty of the retiring President or, as the case may be, Vice-President to hand over to him the charge of the respective office, and delver to him the record and property belonging to the Panchayat concerned and in the latter's custody.

(2) The provisions of sub-section (i) shall apply *mutatis mutandis* to a retiring member in the matter of handling over of charge of his office.

[66][155. ***Resignation of President, Vice-President or members.*** **-** (1) The President or Vice President or any other member of a Panchayat may resign his office by tendering his resignation in the prescribed form to the Secretary and the resignation shall take effect from the date on which it is received by the Secretary and the Secretary shall immediately report the fact to the Panchayat and the State Election Commission.

(2) The President, the Vice-President or the member who resigns shall either in person or, if such resignation letter has been attested by a Gazetted Officer, by registered post, tender or send as the case may be, his resignation to the Secretary and the Secretary shall give acknowledgement for the receipt of the same.

(3) If any dispute regarding any resignation arises, it shall be referred to the State Election Commission for decision and its decision thereon shall be final:

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[64]. Ibid
[65] Substituted by Act 7 of 1995
[66] Substituted by Act 13 of 1999.

Provided that no dispute, referred after the expiry of fifteen days from the date on which the resignation takes effect, shall be entertained by the State Election Commission.]

156. ***Function of President and Vice-President.*** **-** Save as otherwise expressly provided by or under this act, the executive power for the purpose of carrying out the provisions of this act and the resolution passed by a panchayat shall vest in the President thereof who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this act.

(2) When the office of the president is vacant, the vice-president shall exercise the functions of the president until a new president assumes office.

(3) If the president of the panchayat is continuously absent from jurisdiction for more than fifteen days or is in capacitated, his functions, during such actions of incapacity shall, except in such circumstances as may be prescribed, vest on the vice-president of that panchayat.

[67][(3A) Where the offices of the President and the Vice-President are vacant, the Chairman of the standing committee in the order mentioned in sub-section (1) of section 162, shall perform the functions of the President till a new President or Vice-President assumes office and where there is no President or Vice-President or Chairman of standing committee to hold the office of the President, the eldest among the elected members shall perform the functions of the President until the President or Vice President or Chairman of any Standing Committee assumes office.]

(4) Without prejudice to the generality of the for forgoing provisions the President of a Panchayat shall, -

(a) preside over and regulate the meetings of the Panchayat and Grama Sabha of which he is the President;

(b) exercise supervision and control over the acts done and actions taken by all officers and employees of the Panchayat and prepare their confidential reports;

(c) incur contingent expenditure upto such limit as may be fixed by the Government from time to time;

(d) authorise payment and refunds pertaining to the Panchayat;

[68][(e) x x x x x x]

(f) cause to be prepared all statements and reports required by or under this Act;

(g) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made there under.

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[67] Substituted by Act 13 of 1999.
[68] Omitted by Act 7 of 1995.

(5) The President may, in case of an emergency direct the execution of any work of the doing of any act which requires the sanction of the Panchayat, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the funds of the Panchayat:

Provided that –

(a) he shall not act under this sub-section in contravention of any decision of the Panchayat prohibiting the execution of any particular work or the doing of any particular act;

(b) he shall report the action taken under this sub-section and the reason thereof to the Panchayat at its net meeting and obtain its approval therefore.

[69][(6) The President of the Panchayat shall also have the following powers, namely: -

(a) To ensure the attendance of the Secretary and if necessary the attendance of the employees under the control of the Panchayat including the employees of the Government transferred to the Panchayat in the meetings of the Panchayat;

(b) Suspend from service, if necessary, any employee or officer under the control of the Panchayat other than the Secretary and the Government Officers in the Gazetted rank who are transferred to the service of the Panchayat, when disciplinary proceedings are to be taken against them for dereliction of duty or insubordination or for violation of rules or Standing Orders:

Provided that the President shall place the order of suspension in the next meeting of the Panchayat and get it ratified; otherwise the said order will become invalid;

(c) to call for in writing any record or file relating to the administration of the Panchayat from the Secretary or any Officer of the Panchayat and to give necessary directions or pass orders thereon under this Act or the rules made there under or in the light of the Standing Orders:

Provided that no files and records relating to the exercise of statutory powers vested solely with the Secretary or any Officer in respect of the administration of the Panchayat shall be called for;

Note: - The receipt and return of files and records shall be properly acknowledged and recorded.

(d) to refer immediately to Government any resolution passed by the Panchayat, which in his opinion has not passed in accordance with law or is in excess of power conferred by this Act, or any other law or if carried out, is likely to endanger human life, health or public safety.]

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[69] Substituted by Act 13 of 1999.

157. ***Motion of no confidence.*** - (1) Subject to the provisions of this section, a motion expressing want of confidence in the President or the Vice-President or [70]of a Panchayat may be moved in accordance with the procedure aid down herein.

(2) Written notice in such form as may be prescribed of the intention to move any motion referred to in sub-section (1) signed by such number of elected members of the Panchayat concerned as shall constitute not less than [71][one third] of the sanctioned strength of elected members of that Panchayat together with a copy of the motion which is proposed to be moved shall be delivered in person by any of the elected members of the Panchayat signing the notice, to the officer as may be authorised by the Government in this behalf.

(3) The officer referred to in sub-section (2) shall convene a meeting of the elected members of the Panchayat for the consideration of the motion, to be held at the office of the Panchayat at a time appointed by him which shall not be later than fifteen working days from the date on which the notice under sub-section (2) is delivered to him.

(4) The officer referred to in sub-section (2) shall send by registered post to the elected members of the Panchayat concerned notice of not less than even clear days of any meeting held under this section and the time appointed therefor. Notice regarding this shall be affixed in the office of the Panchayat.

[72][(5) a meeting convened under the section shall be presided over by, -

(a) the President, if the motion is against the Vice-President;
(b) the Vice-President, if the motion is against the President;
(c) by the Chairman of the Standing Committee in the order of preference mentioned in sub-section (1) of section 162, if the President or the Vice-President is unable to preside over the meeting as provided under clause (a) or clause (b) by reason of his absence from station or otherwise:

Provided that where none under this clause also is able to preside over the meeting, also a member elected by the members of the Panchayat President at the meeting from among themselves shall preside over the meeting.

(5A) the Officer authorised under sub-section (2) shall attend the meeting convened under this section, as an observer]

(6) A meeting convened for the purpose of considering the motion under this section shall not be adjourned except for reasons beyond human control. The quorum required for such meeting shall be one half of the elected members of that Panchayat.

(7) As soon as the meeting convened under this section has commenced the person presiding shall read at the meeting the motion for the consideration of which it has been convened and declared it to be open for debate.

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[70] Omitted by Act 13 of 1999.
[71] Substituted by Act 7 of 1995.
[72] Substituted by Act 13 of 1999.

(8) No debate on any motion under this section shall be adjourned except for reasons beyond human control.

(9) A debate on any no-confidence motion shall automatically terminate on the expiry of [73][three hours] from the time appointed for the commencement of the meeting if it is not concluded earlier and upon the conclusion of the debate or upon the expiry of such period of [three hours] as the case may be, the motion shall be put to vote.

[[74] (9A) Voting shall be by open ballot and the member who voted shall record in writing his name and signature on the reverse side of ballot paper.]

(10) The person presiding shall not speak on the merit of the motion, and shall be entitled to vote thereon [75][except the right of a casting vote or second vote]

(11) The copy of the minutes of the meeting together with the copy of the motion and the result of the voting therein shall forthwith, on the termination of the meeting, be forwarded to the Government by the officer referred to in sub-section (2).

[76] [(12) if the motion is carried with the support of the majority of the number of members of the Panchayat notified under sub-section (1) of Section 6, the President or the Vice-President as the case may be, shall cease to hold office thereafter and their offices shall be deemed to be vacant forthwith, and the officer authorised under sub-section (2) shall report the vacancy in such offices to the Government and the State Election Commission and the fact shall be published in the notice board of the Panchayat, and on receipt of such a report the Government shall notify in the Gazette the cessation of office by the President or the Vice-President, as the case may be.]

(13) If the motion is not carried by such majority as aforesaid or the meeting cannot be held for want of quorum, under sub-section (6), no notice of any subsequent motion expressing want of confidence in the same President or Vice-President or [77][x x x] shall be received until after the expiry of six months from the date of meeting, or the date fixed for the motion, as the case may be.

(14) No notice of a motion under this section shall be accepted within six months of the assumption of office by a President or a Vice-President. [78][**]

158. ***Right of individual members.*** **-** (1) Every member of a Panchayat shall have the right to move resolution and to interpellate the President or the Chairman of Standing Committee on matters falling within the administrative jurisdiction of the Panchayat in which he is a member subject to such rules as may be made by the Government.

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[73] Substituted by Act 7 of 1995.
[74] Inserted by Act 11 of 1999.
[4.] Added by Act 13 of 1999.
Ibid
[76] Ibid
[77] Omitted by Act 13 of 1999.
[78] Omitted by Act 13 of 1999.

(2) Every member shall have access during office hours to the records [79][other than notified documents] of the Panchayat in which he is a member after giving due notice to the President. [80][********]

(3) Every member may call attention of the Panchayat regarding the needs of the people of the Panchayat area on the default made in the work [81][and the scheme] undertaken by the Panchayat or regarding other matters of public importance.

[82][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.

(2) Where a member of the Panchayat who filed a statement under sub-section (1) acquires any asset in the name of himself or other members of his family or disposes or creates nay liability thereafter on the assets specified in the statement he shall file a statement in this regard to the competent authority within three months from the date of such acquisition or disposal or creation of liability, as the case may be.

(3) Any member of the Panchayat who makes a statement under sub-section (1) or sub-section (2) which is false and which he knows or believes to be false or does not believe to be true shall be liable to be proceeded against in accordance with law, for filing such false statement.

(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.

Explanation 1. – For the purpose of this section "family" of a member of the Panchayat means, wife or husband of that member and his parents, married sisters and children who are dependent on him.

Explanation 2. – For the purpose of this section "asset" means all immovable properties and movable properties worth not less than Rupees ten thousand]

160. [83]***[Honorarium] to members to Panchayats and other perquisites of the President of District Panchayats. –*** (1) There shall be paid ["honorarium"] at such rate as may be prescribed to the President, the Vice-President and other elected members of Panchayat.

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[79] Inserted by Act 13 of 1999.
[80] Omitted by Act 13 of 1999.
[81] Substituted by Act 13 of 1999.
[82] Substituted by Act 13 of 1999.
[83] I bid.

(2) The President of a district Panchayat shall be entitled without payment of rent, to the use of a house at the Headquarters of the District Panchayat throughout his term of office and for a period of fifteen days immediately thereafter or in lieu thereof to a house rent allowance as may be prescribed.

(3) The District Panchayat shall provide suitable conveyance for the use of the President of the District Panchayat throughout his term of office and for a period of fifteen days immediately thereafter.

(4) The President and the Vice President of a Panchayat at any level shall be entitled, while touring on public business, to travelling and daily allowances at such rates as [84][prescribed].

(5) Every member of a Panchayat other than the President of a district panchayat shall be entitled to receive travelling and daily allowance at such dates as [85][prescribed] for attending the meetings of the Panchayat or of any committee thereof.

[84] Ibid.
[85] Ibid

CHAPTER XV
MEETINGS, POWERS, FUNCTIONS, DUTIES AND PROPERTY OF PANCHAYATS

161. ***Meetings of Panchayats.-*** (1) The meetings of a Panchayat at any level shall be held at such intervals, as may be prescribed:

Provided that the interval between two meetings shall not exceed one month.

[86][(1 a) If a notice in writing is given to the President by not less than one third of the members or members notified by Governments under sub-section (1) of section 6, specifying the purpose for which the meeting is to be convened, he shall convene, a special meeting of the panchayat for considering that matter]

(2) Every meeting of a Panchayat shall be presided over by its President or, in his absence, but its Vice-President or, in the absence of both, by a member chosen by the members present at the meeting to preside over the occasion.

(3) The person presiding shall preserve order at the meeting and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the person presiding on any point of order shall be final.

(4) Save as provided in this Act, the time and place of a meeting of a Panchayat, the quorum of such meeting, the procedure of calling such meeting and the procedure at such meeting shall be such as may be prescribed.

(5) The rules referred to in sub-section (4) may provide for preventing any member or President or any member or Chairman of a committee from voting on, or taking part in the discussion, of any matter in which apart from its general application to the public he has any direct or indirect pecuniary interest, whether by himself or through some other-person, or from being present or presiding at any meeting of the Panchayat or of the committee during the discussion of any such matter.

(6) All questions before a meeting of a Panchayat shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the person presiding the meeting shall have a casting vote in all cases of equality of votes.

(7) No resolution of a Panchayat shall be modified, varied or cancelled by that Panchayat within a period of three months from the date of passing thereof, except by a resolution supported by two-thirds of the whole numbers of member of such Panchayat.

[[87](8) Any member, who was present at a meting of the panchayat shall have the right to give the secretary a note of dissent regarding a resolution passed by the Panchayat if has voted against such resolution, within forty-eight hours of the conclusion of the meeting.

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[86] Inserted by Act 13 of 1999.
[87] Substituted by Act 13 of 1999.

(9) The secretary shall forward copy of the minutes of every meeting of the Panchayat and the copy of the note of dissent if any, received under sub-section (8) to the Government or to the officer authorised by Government in this behalf, within ten days after the date of the meeting.]

[[88]162. ***Standing Committees.*** **-** (1) In every Panchayats standing committees as stated below shall be constituted namely: -

(a) In a Village Panchayat	(1) Standing committee for Finance
	(2) Standing Committee for Development
	(3) Standing Committee for Welfare.
(b) In a block Panchayat	(1) Standing Committee for Finance
	(2) Standing Committee for Development
	(3) Standing Committee for Welfare
(c) In a District Panchayat	(1) Standing Committee for Finance
	(2) Standing Committee for Development
	(3) Standing Committee for public works.
	(4) Standing Committee for Health and Education
	(5) Standing Committee for Welfare

(2) Every standing committee shall consist of such number of members, including its chairman as decided by the Panchayat, so that all other elected members except the President and Vice-President shall be elected as a member in any of the standing committee and the number of members elected to each standing committee shall, as far as possible, be equal.

(3) The number of members of each standing committee as decided by the Panchayat under sub-section (2) shall not be changed within the term of that Panchayat.

(4) In every standing committee there shall be members elected by the elected members of the Panchayat from among themselves under the proportional representation system by single transferable vote and a member shall not be a member of more than one standing committee at a time.

(5) The Chairman of every standing committee, except the standing committee for finance, shall, be elected by the members of the respective standing committee from among themselves.

(6) The Vice-President shall be an ex-officio member and chairman of the standing committee for finance and the President shall be an ex-officio member of all standing committees without the right to vote.

(7) A member other than an ex-officio member of a standing committee and the chairman of a standing committee other than the standing committee for finance may resign the membership or chairmanship of a standing committee as the case may be by tendering

[88] Substituted by Act 13 of 1999.

resignation to the Secretary in the prescribed form and the resignation shall take effect from the date on which it was received by the Secretary and the Secretary shall inform the fact immediately to the President and the panchayat.

(8) The person who resigns the membership of chairmanship of the standing committee shall give in person or send through registered post his resignation where such resignation letter is attested by a gazetted officer, as the case may be his resignation to the Secretary and the Secretary shall acknowledge receipt of the same.

(9) Except as otherwise provided in this Act, the term of the Chairman of a Standing Committee or its member shall co-exists with the terms of that Panchayat.

(10) An election to fill up casual vacancy of the member of standing committee shall be conducted within thirty days of the occurrence of that vacancy:

Provided that where the vacancy in a standing committee could not be filled up due to the vacancy of a member of panchayat, the vacancy of standing committee shall be filled up within thirty days from the date of filling up of the vacancy of the member of panchayat.

(11) If a casual vacancy of the Chairman of a standing committee other than the standing committee for finance arises one of its members shall be elected as its chairman in the next meeting of the standing committee.

(12) A motion of non-confidence on the chairman of the standing committee other than the standing committee for finance may be moved subject to the prescribed provisions and procedures and if such a motion is passed with the support of not less than the majority of the members of the standing committee the chairman of that standing committee shall cease to hold office and he shall be deemed to have vacated the office of the chairman of the standing committee immediately.

162.A. ***Subjects to be dealt with by the standing committees.*** - (1) The following subjects shall be dealt with by the standing committees of the panchayat, namely: -

(a) in a village panchayat, -

(i) The standing committee for finance shall deal with the subjects of finance, tax, accounts, audit, budget, general administration, appeal relating to tax and subjects not allotted to other standing committees;

(ii) The standing committee for development shall deal with the subjects of development planning, socio-economic planning, spatial planning, agriculture, soil conservation, social forestry, animal husbandry, diary development, minor irrigation, fisheries, small-scale industry, public works, housing, regulation of building construction, electricity, etc;

(iii) The standing committee for welfare shall deal with the subjects of development of scheduled caste-scheduled tribe, development of women and children, social welfare, social security, slum improvements, poverty alleviation, public distribution system, Public Health, Sanitation, Education, Art and Culture and entertainment, water supply, sewerage and environment;

(b) In the Block Panchayat, -

(i) The Standing Committee for finance shall deal with the subjects, like finance, accounts, audit, budget, general administration and subjects not allotted to other standing committee;

(ii) Standing Committee for development shall deal with the subjects like development planning, socio and economic planning, agriculture, animal husbandry, minor irrigation, fisheries, small-scale industry, public works, housing, electricity and maintenance of watershed;

(iii) Standing Committee for Welfare shall deal with the subjects like Development of Scheduled Caste – Schedule Tribe, Development of Women and Children, Social Welfare, Public Health, Education, Art, Culture and Entertainment and Environment;

(c) In the District Panchayat, -

(i) Standing Committee for finance shall deal with the subjects like finance, accounts, audit, budget, general administration and subjects not allowed to other standing committee;
(ii) The standing committee for development shall deal with the subjects like development planning, socio-economic planning, agriculture, soil conservation, animal husbandry, minor irrigation, fisheries and small scale industry, etc.

(iii) The standing committee for public works shall deal with the subjects like public works, housing, spatial planning and environment;

(iv) the standing committee for Health and Education shall deal with subjects like public health and education;

(v) The standing committee for welfare shall deal with subjects like social welfare, development of women and children and development of scheduled caste-scheduled tribe.

(2) The standing committees of the panchayat may perform such other powers and functions of the panchayat as may be entrusted to it by the panchayat in addition to the powers and duties conferred on it by rules made in this behalf.

(3) Every resolution passed by the standing committee shall be placed before the panchayat in its next meeting and the panchayat shall have power to modify such resolution if considered necessary.

(4) Where any of the standing committees cannot function effectively by reason of the resignation of the majority of its members or for any other reason, powers and functions of such standing committee shall be vested in the steering committee constituted under section 162 B till its re-constitution.

(5) The ex-officio Secretaries referred to in sub-section (11) of section 179 shall attend the meetings of the respective standing committee and render necessary assistance to the committee in the discharge of its functions.

162 B. ***Steering Committee.*** **-** (1) There, shall be a steering committee in every panchayat consisting of its President, Vice-President and the Chairman of standing committees and the President shall be the chairman of the said committee.

(2) The steering committee shall co-ordinate and monitor the functions of the standing committees and shall perform such other powers and functions as may be entrusted to it by the panchayat.

[89][163. ***Constitution of Functional Committees.*** **-** (1) Every panchayat may subject to such rules as may be made in this behalf, constitute functional committees for different subjects like agriculture, sanitation, communication, public health and education consisting of members of panchayat and others who are interested in public welfare and who are nominated by the panchayat.

Provided that members nominated by the panchayat shall not have any right to vote]

(2) The powers and functions of the Functional Committees shall be such as may be prescribed in this behalf.

164.***Sub-Committees and Ward Committees.*** **-** (1) Every Panchayat may constitute sub-committees to assist the Standing Committee or Functional Committees for the execution of any work, scheme, project or plan, which may consist of members of the Panchayat and others interested in public welfare who may be nominated by the Panchayat.

[90][Provided that the nominated members shall have no right to vote].

[91][(1a) If not less than fifty persons enrolled in the voters list relating to a constituency of village panchayat belongs to Scheduled Tribe, they shall be deemed to be a Sub-Committee of the Grama Sabha comprised in the territorial area of that Constituency and that sub-committee shall have the same powers and rights as that of the grama sabha regarding the development of Scheduled Tribe.]

(2) The village panchayat may constitute Ward Committee for each constituency with the member of the constituency concerned and other local inhabitants who may be nominated by the village panchayat to study and report on the needs of the constituency.

(3) The composition, term, procedure, nature of functions of the committees constituted under sub-section (1) and sub-section (2) shall be as laid down in the bye-laws of the panchayats concerned.

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[89] Substituted by Act 13 of 1999.
[90] Substituted by Act 13 of 1999.
[91] Substituted by Act 13 of 1999.

[92][165. ***Constitution of joint Committee.*** -(1) A panchayat may, along with one or more local self government Institutions constitute a Joint Committee for any purpose for which they are jointly responsible, if the panchayat so decided or the Government so requires.]

(2) The constitution, powers and procedure of a joint committee and a method of settling differences of opinion arising in the committee shall be such as may be prescribed.

166. ***Powers, duties and functions of village panchayat.*** - (1) [93][**] It shall be the duty of the village panchayat to meet the requirements of the village panchayat area in respect of the matters enumerated in the Third Schedule:

[94][Provided that it shall be the duty of the village panchayat to render services to the inhabitants of the village panchayat area in respect of the matters enumerated as mandatory functions in the Third Schedule].

(2) Subject to the other provisions of this Act and the guidelines and assistance financial, technical or otherwise, of the Government, the village panchayat shall have exclusive power to administer the matters enumerated in the Third Schedule [95][and to prepare and implement schemes relating there to for economic development and social justice]

(3) Village Panchayat shall also have powers to enhance employment facilities and to undertake developmental activities and to start manpower banks, under the leadership of the village panchayats.

[96]***Explanation.*** - Man Power Bank means a bank having the known details of skilled and unskilled persons who are willing to render service on requirement and the village panchayat shall maintain a register for the purpose and it shall contain other details as prescribed.]

(4) The Government, the district panchayat and the block panchayat shall subject to availability of resources provide necessary financial, technical and other assistance to the village panchayats to enable them to discharge their functions.

(5) All grants-in-aid sanctioned by the Government in respect of the matters enumerated in the Third Schedule shall be distributed through the village panchayat concerned.

(6) The Government shall, as soon as may be, after the commencement of this Act, transfer all institutions, schemes, buildings and other properties, assets and liabilities connected with the matters referred to in the Third Schedule to the Village Panchayat [97][and every institution so transferred shall be in the name of the said village panchayat and shall be known accordingly]

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[92] Ibid.
[93] Omitted by Act 13 of 1999.
[94] Aided by Act 13 of 1999.
[95] Ibid
[96] Added by Act 13 of 1999.
[97] Ibid

[98](7) the village Panchayat shall administer the institutions and schemes transferred to it, subject to the guidelines and technical assistance of the Government and in accordance with the state and national policies.

(8) The village panchayat shall not have any power to sell, transfer, alienate or pledge the properties transferred to it.]

167. ***Transfer to village panchayats of functions, institutions or works.*** **-** (1) Subject to such rules, as may be prescribed the Government, the district panchayat or the block panchayat may transfer to the village panchayat the management and maintenance of any institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty within the village panchayat area whether provided in this Act or not.

(2) The Government may, in addition to the powers and functions herein before, mentioned as exercisable by the village Panchayat authorise by general or special order, subject to such rules and conditions as may be prescribed, a village panchayat to exercise any power or discharge any function such as collection of land revenue, maintenance of survey and village records, collection of village statistics, supervision and control over Government primary schools, medical, public health, child welfare and maternity institutions as may be specified by the Government from time to time, and execution of community development work including improvement of agriculture, animal husbandry, communication and village industries, soil conservation, protection of environment, conservation of forest, wild life protection, protection of orphans, protection of the aged, cultural activities and informal education.

(3) Subject to such rules as may be prescribed a person or body of persons may transfer to the village panchayat, with its consent and subject to such conditions as may be agreed upon, the management and maintenance of any institution, within the panchayat area.

(4) It shall be lawful for the Government, the district panchayat or the block panchayat to contribute to the village panchayat fund such amount as may in their opinion be necessary for meeting the expenditure in connection with the management and maintenance of any institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty which the Government, the district panchayat or the block panchayat may, from time to time, make over to the village panchayat under sub-sections (1) and (2).

168. ***Maintenance of common dispensaries, child welfare centres, etc.-*** Subject to the provisions of this Act and the rules made there under, a village panchayat or two or more village panchayats together may establish and maintain common dispensaries, child welfare centres and institutions of such other kind as may be specified by the Government.

[99][169.***Vesting of Public roads in village panchayats.*** **-** (1) Notwithstanding anything contained in the Kerala Land Conservancy Act 1957 (8 of 1958), or in any other law for

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[98] I bid
[99] Substituted by Act 13 of 1999.

the time being in force, all public, roads other than those classified by the government s National Highway, State Highway or major district roads, bridges, culverts, ditches, dykes, fences on or beside the same protective devices and all adjacent land, not being private property appertaining thereto, within the panchayat area, i.e.-

(a) in the District Panchayats – All district roads other than major district road within the area of more than one block panchayat;

(b) in the Block Panchayats – District roads and village roads other than major district roads within the area of more than one village panchayat comprised in a Block Panchayat;

(c) in the village Panchayats – other village roads, paths and lanes within the Village Panchayat area.

Together with all pavements, stones and other materials and other things installed therein, all drains culverts made along side or under such roads and all works, materials and things appertaining thereto may be deemed as transferred to and vested absolutely in the panchayat area.

(2) Subject to the provisions of this Act, all rights and liabilities of the Government in relation to the public roads and other properties, materials and things vested in the Panchayat under sub-section (1) or sub-section (4) shall, from the date of such vesting, be the rights and liabilities of the Panchayat.]

(3) Notwithstanding anything contained in sub-section (1) or sub-sections (2) the Government may at any time by notification in the Gazette, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert and may also modify or cancel such notification and thereupon they shall revest in Government.

Provided that, before issuing such a notification the Government shall consult the village panchayat concerned and give due regard to the objections, if any.

(4) The government may, by notification in the Gazette, order the transfer to and vesting in, a village panchayat, of any public road or class of public roads in the village panchayat and thereupon such road or roads shall notwithstanding anything contained in sub-section (1), but subject to the other provisions of this Act, stand transferred to and vest in, such village panchayat.

(5) It shall not be lawful for any persons to occupy any land which is transferred to and vested in a [100][ ] panchayat under sub-section (1) or sub-section (4), whether a poramboke or not, without prior permission from the [101][ ] panchayat concerned.

Explanation. - *For* the removal of doubts its is clear by declared that in the erection of any wall, fence or building or the putting up of any over hanging structure of projection

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[100] Omitted by Act 13 of 1999.
[101] Omitted by Act 13 of 1999.

(whether on a temporary or permanent basis) on or any land aforesaid shall be deemed to be occupation such land.

[102][170. ***Panchayat to maintain the roads properly.*** **-** (1) It shall be the duty of the panchayat to maintain property the roads vested in it and to prevent encroachment on it.

(2) The village panchayat shall keep all public roads and important public paths in its area free from garbage, sewage and other waste materials and shall protect such roads and public paths from encroachment.

(3) The village panchayat may in such manner as it may deem fit, dispose of all garbage, sewage and other waste materials collected by it while cleaning public roads, public paths and drains]

171. ***Vesting of community property or income in village panchayats.*** **-** any property or income which by custom belongs to or has been administered for the benefits of the villagers in common, or the holders in common of village land generally or of lands of a particularly description or of lands under a particular source of petty irrigation shall vest in the village panchayat to be administered by it for the benefit of the villagers or holders aforesaid.

172. ***Powers, duties and functions of block panchayats.*** **-** (1) [103][ ] It shall be the duty of the block panchayat to meet the requirements of the block panchayat area in respect of the matters enumerated in the Fourth Schedule.

(2) Subject to the other provisions of this Act and the direction of the Government the block panchayat shall have exclusive power to administer the matters enumerated in the Fourth Schedule [104][and to prepare and implement the schemes on the subject specified therein for the economic development and Social justice]

(3) The Government and the district panchayat shall, subject o availability of resources, provide necessary financial, technical and other assistance to the block panchayats to enable them to discharge their functions.

(4) All grants-in-aid sanctioned by the Government in respect of the matters enumerated in the Fourth Schedule shall be distributed through the block panchayat concerned.

(5) The Government shall, as soon as may be, after the commencement of this Act, transfer to the block panchayats all the institutions, projects, buildings, and other properties and assets and liabilities connected with the matters referred to in the Fourth Schedule [105][and every institution so transferred shall be on the name of that block panchayat and shall be known accordingly.

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[102] Substituted by Act 13 of 1999.
[103] Omitted by Act 13 of 1999.
[104] Added by Act 13 of 1999.
[105] Added by Act 13 of 1999.

(6) The Block Panchayat shall administer the institutions and schemes transferred to it, subject to the guidelines and technical assistance of the Government and in accordance with the State and National Policies.

(7) The Block Panchayat shall have no power to sell, transfer alienate or pledge the properties transferred to it.]

173. ***Power, duties and functions of district panchayats.*** - (1) [106][****]. It shall be the duty of the district panchayats to meet the requirements of the district panchayat area in respect of the matters enumerated in the Fifth Schedule.

[107][(2) subject to the other provisions of this Act and the directions of the Government, the District Panchayat shall have exclusive power to administer the matters enumerated to the Fifth Schedule and to prepare and implement the schemes in the subjects specified therein, for economic development and social justice.]

(2) Subject to the other provisions of this Act and the directions of the Government, the district panchayat shall have exclusive power to administer the matters enumerated in the Fifth Schedule.

(3) the Government shall, subject to availability of resources provide necessary financial, technical and other assistance to the district panchayat to enable them to discharge their functions.

(4) All grants-in-aid sanctioned by the Government in respect of the matters enumerated in the Fifth Schedule shall be distributed through the district panchayat concerned.

(5) The Government shall, as soon as may be, after the commencement of this Act, transfer to the district panchayats all the institutions, projects and buildings and other properties and assets and liabilities connected with the matters referred to in the Fifth Schedule. [108](and every Institutions so transferred shall be in the name of that district panchayat and shall be known accordingly)

[109][(6) the district Panchayat shall administer the institutions and schemes, transferred to it, subject to the guidelines and technical assistance of the Government and in accordance with the State and National policies.

(7) The district Panchayat shall have no power to sell, transfer, alienate or pledge the properties transferred to it.]

[110][173. ***A Managing Committee for Public health Institution.*** - There shall be constituted a Managing Committee, in the manner prescribed, consisting of not more than fifteen members including the Chairman, for every public health institutions transferred to the panchayat from Government].

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[106] Omitted by Act 13 of 1999.
[107] Substituted by Act 13 of 1999.
[108] Aided by Act 13 of 1999.
[109] Inserted by Act 13 of 1999.
[110] Inserted by Act 13 of 1999.

174. ***Delegation of powers and functions of Government to Panchayat.*** - (1) The Government may, by notification in the Gazette, from time to time delegate to the Panchayat at any level, any of the powers and functions of the Government as may be specified in the notification in respect of any matter which is not provided in this Act subject to such restrictions and conditions as may be specified therein.

(2) Where the Government delegates a function under sub-section (1) to panchayat at any level, it shall allot to that panchayat such fund and personnel as may be necessary to enable the Panchayat to discharge the functions so delegated.

[111][175. ***Preparation of development plans by panchayats.-*** (1) The panchayat at every level shall prepare every year a development plan for the next year in respect of the functions vested in it, for the respective panchayat area in the form and manner prescribed and it shall be submitted to the District Planning Committee before the date prescribed.

(2) The village Panchayat shall prepare the development plan having regard to the plan proposals submitted to it by the Grama Sabhas.

(3) Where the District Planning committee directs to make changes in the draft development plan on the ground that sector-wise priority and criteria for subsidy specified by the Government had not been followed or sufficient funds for scheduled-caste, scheduled tribe development schemes have not been provided in the draft development plan for that the scheme was prepared not in accordance with the provisions of the Act or rules; the panchayat shall be bound to make such changes.

(4) The panchayat shall in addition to the annual and five year plans; prepare a perspective plan foreseeing a period of fifteen years, with special focus on spatial planning for infrastructure development and considering the resources and the need for further development and such plan shall be sent to the concerned District Planning Committee.]

(5) The final decision in respect of such development schemes shall be taken long before the beginning of a financial year.

[112][(6). A copy of the development plan prepared by the Village Panchayat shall be forwarded to the block panchayat within which the area of the Village Panchayat is situated and a copy of the development plan prepared by the Block Panchayat shall be forwarded to the district panchayat within which the Block Panchayat is situated.]

176. ***Entrustment of schemes to panchayats for implementation.*** -(1) Notwithstanding anything contained in any law for the time being in force, the Government may subject to the conditions as they may think fit to impose entrust, by an order published in the Gazette, to a panchayat at any level the implementation of such schemes of economic

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[111] Substituted by Act 13 of 1999.
[112] Inserted by Act 13 of 1999.

development and social justice including the schemes related to the matters enumerated in the eleventh schedule to the constitution as they think fit.

(2) Where the Government entrust a scheme under sub-section (1) to a Panchayat at any level it shall allot to that panchayat such fund and staff as may be necessary to enable the panchayat to implement the scheme.

[176A. ***Control of the Panchayats over the Electrical undertakings. –***

The administration by the panchayat over any Electrical undertaking intended for the generation, transmission, supply and consumption of electricity shall be subject to such restriction as prescribed which are not contrary to the Indian Electricity Act, 1910 (Central Act 9 of 1910) of the Electricity Supply Act, 1948 (Central Act 54 of 1948) or to the directions issued by the Kerala State Electricity Board from time to time and the conditions of the licence issued by the panchayat thereunder.

176.B. ***Provision for lighting public streets.*** **-** (1) A village panchayat shall cause all public streets in its area to be lighted and for that purpose shall provide such lamps and works as may be necessary.

(2) For the purpose of sub-section (1) Kerala State Electricity Board shall provide necessary electric energy and other technical assistance to the village panchayat at the rate fixed by the Government and on such other terms as prescribed.

(3) Notwithstanding anything contained in sub-section (1) the Government may in consultation with the village panchayat arrange a lighting system on any public streets through an agency approved by the Government.

(4) Notwithstanding anything contained in this section, a village panchayat or any other local self Government Institutions may jointly arrange and maintain a street lighting system.]

177. ***Power to accept donations and trusts.–*** A panchayat may accept donations or trusts relating exclusively to the furtherance of any purpose to which its funds may be applied and shall apply the same solely for such purpose.

178. ***Acquisition of immovable property required by the panchayat.*** **-** Any immovable property which is required by a panchayat for a public purpose connected with the discharge of the functions imposed on it under this Act, or the rules or bye-laws made there under, or any other law, may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) and on payment of compensation awarded under that Act in respect of such property and of any other charges incurred in acquiring it, the said property shall stand transferred to and vest in the Panchayat:

Provided that nothing contained in this section shall be deemed to prevent any panchayat from acquiring immovable property either through private purchase or any free surrender

CHAPTER XVI
OFFICERS AND EMPLOYEES OF PANCHAYATS

179. ***Appointment of Secretaries.*** **-** (1) For every panchayat there shall be appointed a [113][* * * *] secretary who shall be a Government Servant.

(2) The panchayat shall pay the secretary such salary and allowances as may from time to time, be fixed by the Government and shall also make such contributions towards his leave allowance, pension and provident fund as may be required by the condition of his service under the Government to be made by him or on his behalf.

(3) Subject to he provisions of this Act the Government shall by rules made under the Kerala Public Services Act, 1968 (19 of 1968), regulate the classification, method of recruitment, conditions of service, pay and allowances, and discipline and conduct of the Secretaries appointed under sub-section (1) and such rules may also provide for the constitution of separate service or cadre either for the whole state or for each district including the Secretary along with such other Government Servants as are considered necessary by the Government.

(4) The Government of any authority authorised by Government may, at any time, transfer secretary from a panchayat and shall do so if such transfer in recommended by a resolution of the panchayat passed at a special meeting called for the purpose and supported by a simple majority of votes of the allowed strength of the panchayat.

[114][Provided that before considering such a resolution by the panchayat, the Secretary shall be given an opportunity to make a representation before the Panchayat or the President and shall be heard by them if necessary.]

(5) A Panchayat shall be competent to impose minor penalties on its secretary subject to such rules as may be made in this behalf.

(6) An appeal against an order of the panchayat imposing any minor penalty shall be to an authority entrusted by Government in this behalf (hereinafter referred to as the authority).

(7) An appeal under sub-section (6) shall be in such form and shall be presented within such time and in such manner, as may be prescribed.

(8) On receipt of an appeal under sub-section (6), the authority shall after giving the appellant an opportunity of being heard, confirm, cancel or modify the order appealed against or pass such other order as it deems fit.

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[113] Omitted by Act 13 of 1999.
[114] Inserted by Act 13 of 1999.

(9) The Government may either *suo moto* or on application call for the record of any order passed by the authority under sub-section (8), and review any such order and pass such order with respect there to as they think fit;

Provided that no application for review shall be entertained after the expiration of thirty days from the date on which the order sought to be reviewed was received by the applicant;

Provided further that the Government shall not pass any order affecting any party unless such party has had an opportunity of making a representation.

Provided also that no *suo moto* revision shall be made by the Government more than one year after the date of the order to be reviewed.

***Explanation.* –** Minor Penalty under this section and sections 180, 181 have the same meaning as given in the Kerala Civil Services (classification, Control and Appeal) Rules, 1960.

[115][(10) Where disciplinary Proceedings have to be initiated against the Secretary; the President shall have the power to make an enquiry and where a major penalty is to be imposed, to initiate further action under the rules applicable to the Secretary with the approval of the panchayat and to report it to the Government or to the authority competent to appoint the Secretary and the Government or such authority, immediately after the receipt of such a report, shall take appropriate action and intimate the final decision thereon to the President.

(11) The Government may, by a general or special order appoint any officer of the Government transferred to the service of the panchayat as ex-officio secretary of the Panchayat and the persons so appointed shall have all the powers and functions of the secretary on the subjects dealt with by them.]

180. ***Officers and employees of Panchayat.* -** (1) The officers and employees of the Panchayat, other than contingent employees shall be Government Servants.

(2) The control of the officers of the Panchayat shall be with the Panchayat.

(3) The Panchayat shall pay the officers and employees such salary and allowances as may from time to time be fixed by the Government and shall also make such contributions towards their leave allowance, pension and provident fund, as may be required by the conditions of their service under the Government, to be made by them or on their behalf.

(4) Subject to the provisions of this Act the government shall, by rules made under the Kerala Public Services Act, 1968 (19 of 1968), regulate the classification, methods or recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and the employees, and such rules may provide for the constitution of any class of officers or servants of Panchayats into a separate service either or the whole State or for each district.

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[115] Inserted by Act 13 of 1999.

(5) Two or more Panchayats of the same level may, subject to such rules as may be prescribed, and shall, if so required by any authority empowered in this behalf, by rules appoint the same officer or employees to exercise or discharge any powers or duties of a similar nature for both or all of them.

(6) Notwithstanding anything contained in the Madras Public Health Act, 1939 and the Travancore-Cochin Public Health Act, 1955 the provisions of this section shall apply to the Public Health establishments of [116][* * * *] panchayats.

(7) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Government may with the concurrence of the Panchayats concerned, -

(a) appoint such engineering and other staff necessary for the purposes of any Panchayat and recover from it the salary and allowances paid to the members of such staff and such contributions towards their leave allowances, pension and Provident Fund as may be required by the conditions of their service under the Government, and

(b) appoint a common engineering or other staff for the purpose of two or more Panchayat at a level and recover from each of the panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowance, pension and Provident Fund, as may be required by the conditions of their service under the government;

[117][Provided that the Government may, if situation so demands pool the engineering staff and technical staff of the Government Departments and made their services available to one or more panchayats by allotment or by transfer as in the case of staff from other departments:

Provided further that if there is death of staff for allotment from Government Departments, the Panchayat in the exigencies of service may, arrange for the services of the engineers from outside the Government service for specific work, subject to such terms and conditions as may be specified by the Government in this behalf.]

(8) Subject to such rules as may be made the power to grant leave to the officers and employees of the Panchayat shall vest in the Secretary.

(9) A Panchayat shall be competent to impose minor penalties on any officer or employee of that Panchayat, subject to such rules as may be made in this behalf.

(10) An appeal against may order of the Panchayat imposing any minor penalty shall be to the authority entrusted by the Government in this behalf (hereinafter referred to as the “authority”).

(11) An appeal under sub-section (10) shall be in such form and shall be presented within such time and in such manner, as may be prescribed.

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[116] Omitted by Act 13 of 1999.
[117] Inserted by Act 13 of 1999.

(12) One receipt of an appeal under sub-section (10) the 'authority' shall after giving the appellant an opportunity of being heard, confirm, cancel or modify the order appealed against or pass such other order as it deems fit.

(13) The Government may either *suo moto* or on application call for the records of any order passed under sub-section (12) and review any such order and pass such order with respect there to as they think fit:

Provided that no application for review shall be entertained after the expiration of thirty days from the date on which the order sought to be reviewed was received by the applicant;

Provided further that Government shall not pass any order affecting any party unless such party has had an opportunity of making a representation:

Provided also that no *suo moto* revision shall be made by the Government more than one year after the date of the order to be reviewed.

[(14) Where disciplinary proceedings are to be initiated against any officer or employee of the Panchayat, the President may make an enquiry against that officer or employee and where a major penalty is to be imposed, he shall have the power to report it for further action to the authority competent, to appoint him in service of the panchayat with the approval of the panchayat and such authority, shall, immediately on receipt of the report, take appropriate action and intimate the decision taken thereon to the President.]

181. ***Power of the Government to lend the service of their officers and employees to Panchayat.*** **-** (1) Subject to such terms and conditions as may be prescribed the Government shall lend the services of Government officers and employees to the Panchayats as may be necessary for the implementation of any scheme, project or plan assigned or delegated to the Panchayat under this Act. The full control and supervision of the institution and employees transferred to the Panchayat under this Act shall rest with the Panchayats concerned. The Government shall give fully the existing *State Plan* contribution and the annual budget contribution in respect of the subjects transferred to the Panchayats to the Panchayat concerned.

(2) When disciplinary proceedings have to be initiated against an officer or an employee mentioned in sub-section (1) the President of the Panchayat concerned shall be entitled to make an enquiry and report against such officer or employee to the Government.

(3) Notwithstanding anything contained in sub-section (2) a panchayat shall be competent to impose minor penalties on any officer or employee referred to in sub-section (1), subject to such rules as may be made in this behalf.

[118][(4) The government Officers and employees transferred to the panchayat under sub-section (1) shall, in addition to their normal function, perform other related functions delegated to them by the panchayat, as if they are officers and employees of that panchayat.

[118] Added by Act 13 of 1999.

(5) The Officers and employees transferred to the panchayat under sub-section (1) shall be responsible to execute the works including the implementation of any scheme, projects or plans of the Government which are not assigned on delegated to the panchayat under this Act or any other law.

(6) The Government shall pay the salary, allowances and other benefits in the officers and employees transferred to the panchayat from the Government, till the Government decides that the concerned panchayat is able to meet such expenses.]

182. [***Powers and functions of the Secretary.*** **-** Subject to the provisions of this Act and the rules grade there under, Secretary the as executive officer of the panchayat shall, -]

(i) Attend the meetings of the Panchayat and of the Standing Committee and may take part in the discussions purely in an advisory capacity, but shall have no right to move any resolution or to vote:

[119][Provided that the Secretary shall record his views on any matter that may come up for the consideration of the panchayat and each item of the agenda shall be placed before the Panchayat with the specific remarks of the Secretary:

Provided further that if the Secretary considers that any resolution passed by the panchayat shall be referred to the Government under clause (iii), he shall record such remarks in writing]

(ii) attend any meeting of a committee of the Panchayat if required to do so by the person presiding thereon;

(iii) carry in the effect the resolutions of the Panchayat:

[120][Provided that where the Secretary is of opinion that any resolution passed by the Panchayat has not been legally passed is in excess of the powers conferred by this Act or any other Act or is likely, to endanger human life, health or public safety, if implemented, he shall request in writing in the panchayat, to review the resolution and express his views at the time of its review by the panchayat and if the panchayat upholds its previous decision, the matter shall be referred to the Government after intimation to the President and if no decision of the Government is received within fifteen days, the said resolution shall be implemented and information there of shall be given to the Government;]

(iv) control the officers and employees working under the Panchayat, subject to the general superintendence and the control of the President;

(v) discharge all the duties and exercise all the powers specifically imposed or conferred on the Secretary by or under this Act.

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[119] Inserted by Act 13 0f 1999.
[120] Inserted by Act 13 of 1999.

[121][(vi) meet the expenses delegated by the President;

(vii) give amounts either by cheque or cash for all kinds of expenditure authorised by the Panchayat;

(viii) be responsible for the safe custody of the Panchayat fund;

(ix) maintain and keep the accounts of receipts and expenditure of the Panchayat; and

(x) Keep the record of the meeting and proceedings of the Panchayat; and

(xi) have power to initiate disciplinary action against the employees of the Panchayat referred to in section 180]
[122](xii) place before the standing committee for finance the monthly accounts of the panchayat before the tenth of the succeeding month or at the first meeting of the succeeding month;

(xiii) prepare the annual accounts and B.C.B. Statement of the preceding financial year and place before the panchayat before the thirtieth or June of the succeeding financial year;

(xiv) furnish the returns, accounts statements and other details when called for by the Government or any audit authority;

(xv) inspect or cause to be inspected the accounts of the institutions under the control of the panchayat;

(xvi) keep the records of the Panchayat, the Standing Committees, the Executive Committees, such other Committees and the Grama Sabhas;

(xvii) Co-ordinate the preparation of the annual plans and five year plans within the time specified by the Government so as to enable the District Planning Committee to approve the same;

(xviii) disburse the plan funds to the officers concerned and to render utilisation certificate to the Government as ordered by it.]

183. ***Exercise of functions of Secretary by other officers in certain cases.*** **-** The Government, or any authority, authorised by Government may, by general or special order, authorise any officer working in the Panchayat to exercise all or any of the functions of the Secretary in his absence.

184.***Delegation of functions of Secretary.*** **-** The Secretary, may with the permission of the President, delegate by order in writing any of his functions to any officer of the Panchayat, subject, to such restrictions and control, as he may, specify.

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[121] Inserted by Act 7 of 1995
[122] Added by Act 13 of 1999.

185. ***Channel of Correspondence.*** **-** (1) The President shall have full access to all records of the Panchayat.

[123][(2) All official correspondence from the Secretary to the Government and to any other authority not below the rank of district level authority of the Government and vice versa, shall be through the President.

Provided that, all correspondence to the Government or to other authorities shall have the approval of the President or be signed by himself except in cases where the President has empowered the Secretary, by general or special order, in this behalf;

Provided further that, the Secretary may have direct correspondence with the Government in respect of a resolution, passed by the Panchayat in contravention of any of the provisions of this Act or the rules made there under and for furnishing any information, statement or record, called for by the Government]

(3) All correspondence by the Secretary through the President addressing the Government or as the case may be the other authority and vice versa shall be delivered by the Presidents without delay.

[124][185 A. ***Relationship between the elected authorities and officers.*** **-** (1) The Government shall prescribe a code of conduct in respect of the relationship between the elected authorities and employees of the Panchayat for the purpose of protection of the rights of the officers and employees under the control of the panchayat to render advice on matters dealt with by them and professional freedom and statutory rights.

(2) The views expressed by the officials shall be included in the minutes of discussion.

(3) Mutual respect shall be shown between the elected authorities, the officers and employees of the panchayat, totally avoiding rude language, gesture and actions.
(4) Any complaint on the violation of the code of conduct by the elected authorities shall be considered by the Ombudsman constituted under section 271 G for the local self Government Institutions and the report thereon shall be forwarded to the Government for appropriate action.

(5) Oral instructions given to the officers by the elected authorities shall be confirmed in writing before they are implemented.

185 *B.* ***Exercise of statutory functions by the officers.*** **-** Where any officer of the panchayat is conferred with any statutory powers and functions to be exercised independently and solely, the panchayat, the panchayat President, Chairman of the Standing Committee or any member shall not interfere or influence in the exercise of such powers and functions by that officer.]

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[123] Inserted by Act 13 of 1999.
[124] Inserted by Act 13 of 1999.

CHAPTER XVII

FINANCE COMMISSION AND ITS POWERS

186. ***Finance Commission.*** **-(**1) In this section, "commission" means the Finance Commission constituted by the Governor pursuant to clause (1) of article 243-1 of the Constitution.

(2) The Commission shall consist of such number of members not exceeding three including the chairman as may be determined by the Government:

Provided that members of the commission may be appointed on part time basis.

(3) Persons who are to be appointed as member of the Commission shall be -

(a) One shall be a person having special knowledge and experience in financial matters and economics; and

(b) The other two shall be persons having experience in public administration or local administration or having special knowledge in financial matters and accounts of the Government and local bodies.

(4) Every member of the commission shall hold office for such period may be specified in the order of the Governor appointing him, but shall eligible for re-appointment.

(5) The chairman or a member of the commission may resign his office by writing under his hand and addressed to the Governor, but shall continue in office until his registration is accepted by the Governor.

(6) A casual vacancy caused by the resignation of a member or chairman under sub-section (5) or for any other reason, may be filled by fresh appointment and a member or chairman so appointed shall hold office for the remaining period for which the member or chairman in whose place he was appointed would have held office.

(7) The Commission shall meet at such time and place and shall observe such procedure in regard to the transaction of business at it meeting as may be determined by the Commission.

(8) The commission shall in the performance of its functions have all the powers of the civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit it respect of the following matters, namely: -

(a) summoning and enforcing the attendance of witness;

(b) requiring the production of any document;

(c) requisitioning any public record from any office.

(9) The commission shall have powers to require any person to furnish information on such points and matters as in the opinion of the commission may be useful for or relevant to, any matter under the consideration of the commission.

(10) Commission shall review the financial position of the Panchayats and submit recommendations to Governor regarding,

(a) (i) the sharing among the Government and Panchayats of the net-income of the taxes, duties, cess and fees which are being levied by the Government and which may be shared with the Panchayats as per the constitution and dividing among the Panchayats at all levels, their shares in such incomes;

(ii) fixing the taxes, duties, cess and fees which may be ear marked for the Panchayats and may be expended by them;

(iii) the criteria regulating the financial aid etc. for the Panchayats from the State Consolidated Fund;

(b) steps necessary for improving the financial position of the Panchayats; and

(c) any other matters which is being left to the commission by the Governor taking into account of the interest of the financial security of the Panchayats.

(11) Governor shall cause to be laid before the Assembly each recommendation submitted by the Commission under sub-section (10) along with explanatory memorandum regarding the steps taken on it.

(12) Officers having knowledge and experience in financial matters shall be appointed as staff of the Commission in order to assist the Commission.

CHAPTER XVIII
[125][FUNCTION OF THE GOVERNMENT]

[126][187. ***Administrative set up of Panchayat.*** **-** The administrative set up of panchayat in the State shall consist of Village Panchayats, Block Panchayats, District Panchayats and Grama Sabhas.]

188. ***Power to inspect records etc. of Panchayats.*** **-** (1) The Government or any officer empowered by the Government in which behalf, may, -

(a) call for any record, register or other document in the possession, or under the control of any panchayat:

[127][Provided that, the document, register, or records furnished by the panchayat shall be returned in original to the panchayat, within ninety days of its receipt by the Government, and attested copy of the same shall be retained by the Government if necessary.]

(b) require any Panchayat to furnish any return, plan, estimate, statement of accounts;

(c) require any Panchayat to furnish any information or report on any matter connected with such panchayat;

(d) require any Panchayat to obtain their previous sanction before giving up a claim or closing down any institution which is a source of income; and

(e) record in writing for the consideration of [128][any Panchayat] any observation in regard to the proceedings or duties of the Panchayat; and

(f) have power to inspect any office or any records or other documents of the Panchayats or movable properties kept therein or any work or institution or property under the control of the Panchayat;

(2) Every Panchayat, President, Secretary and Other Officer shall be bound to give facilities for exercising duties under [129][* *] sub-section (1).

[130][(3) The Government may, in the manner prescribed arrange periodical performance audit in respect of the administration of the panchayat.]

[131][188A. ***Technical supervision and inspection.*** **-** The heads of Departments concerned and other technical officers nominated by them may inspect the works and development

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[125] Substituted by Act 13 of 1999.
[126] I bid
[127] Added by Act 13 of 1999.
[128] Substituted by Act 7 of 1995.
[129] Omitted by Act 13 of 1999.
[130] Added by Act 13 of 1999.
[131] Added by Act 13 of 1999.

schemes implemented by any officer of that department under the control of any panchayat and also inspect relevant records pertaining to such works and development schemes, in the manner specified by the Government.

189. ***General power of Government to issue guidelines and to conduct enquiry.*** **-** (1) Notwithstanding anything contained in this Act, the Government shall have the power to issue general guidelines to the panchayats in accordance with the National and State Policies in matters such as finance, maintenance of accounts, officer management, formulation of schemes, selection of sites and beneficiaries, proper functioning of Grama Sabha, welfare programmes and environmental regulations and panchayats shall comply with such directions.

(2) If there is any default in the implementation of schemes or maintenance of accounts or complaint is received in the matter, Government may arrange for enquiry into the matter and the panchayat shall co-operate with such enquiry.

(3) After such enquiry, Government may take such action as is necessary and permissible under this Act.]

190. ***Power or take action for default by a Panchayat President, or Secretary.*** **-** (1) If, at any time, it appears to the Government that a panchayat, or its President or its Secretary has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the Panchayat or its President or its Secretary, as the case may be, to explain why further action under this section may not be pursued, appoint any officer, or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the panchayat within such time as may be specified by the Government.

(3) If the expenses which the Government may direct under sub-section (2) to be paid from the fund of the Panchayat are not paid as provided in that sub-section, the Government may make an order directing the persons having the custody of the said fund to pay it in priority to any other charges against that fund, except charges for the service of authroised loans.

(4) The person referred to in sub section (3), shall as far as the funds to the credit of the Panchayat admit, be bound to comply with the order made by the Government under that sub-section.

[132][191. ***Power of cancellation and suspension of resolutions etc.*** **-** (1) Government may either *suo moto* or, on a reference by President, Secretary or a member, or on a petition received from a citizen, cancel or very a resolution passed or a decision taken by the panchayat if in their opinion such decision or resolution –

[132] Substituted by Act 13 of 1999.

(a) is not legally passed or taken; or

(b) is in excess of the powers conferred by this Act or any other law or its abuse; or

(c) is likely to endanger human life, health public safety, communal harmony or may lead to riot or quarrel; or

(d) is in violation of the directions or provisions of grant issued by Government in the matter of implementing the plans, schemes or programmes.

(2) Before cancelling or amending a resolution or decision as per sub-section (1), the Government may refer the matter for consideration either of the ombudsman constituted under section 271 G or the tribunal constituted under section 271S and the ombudsman or the tribunal, as the case may be; after giving the panchayat an opportunity of being head, send a report to the Government with its conclusions and the Government may, on its basis cancel, amend or confirm the resolution or decision.

(3) If another remedy is available to the petitioner through the tribunal under section 276, the Government shall not consider any petition for cancelling or amending any resolution or decision of the Panchayat.

(4) If Government consider that a resolution or decision of the Panchayat has to be cancelled or amended as per sub-section (1) it may suspend such resolution or decision temporarily and may direct the panchayat to defer its implementation till the final disposal after the completion of the procedure under sub-section (2).]

[133][192. ***Administration report of the Panchayat.*** **-** (1) Every panchayat shall prepare a report in respect of this administration every year in such form and with such details as may be prescribed by Government in accordance with the provisions of this section and publish the same before the thirtieth of September of the succeeding year and if the report is not published within the said time limit, Government may withhold the payment of grants due to the panchayat thereafter.

(2) The draft of the administration report in respect of the institutions and offices under the administrative control of the panchayat shall be prepared by the heads of such institutions and offices and shall be furnished to the Secretary of the panchayat and he shall prepare the draft of the administration report of that panchayat in consultation with the President of the panchayat and shall be submitted before the panchayat for its approval.

(3) The panchayats within a district shall immediately after the approval and publication of the administration report, forward it to the officer authorised by the Government in this behalf and the Village Panchayats and Block Panchayats also shall furnish their administration reports to the District Panchayat.

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[133] Substituted by Act 13 of 1999.

(4) The officer authorised by the Government shall submit a consolidated report containing the abstracts of the administration reports of the Village Panchayats, Block Panchayats and District Panchayats, to Government before the 31st of December every year.

(5) The Government shall, as soon as may after the receipt of the consolidated report cause it to be laid before the Legislative Assembly in its next session along with a review report of Government and it shall be so laid within forty five days from the first day of that session.]

[134][193. ***Dissolution of Panchayats.*** **-** (1) If a panchayat fails to pass the budget of the panchayat for the succeeding financial year before the end of a financial year, which causes financial crisis or majority of its members resign from office or is disqualified, the Government shall, by notification in the Gazette, dissolve the panchayat from the date specified therein and a copy of the same forwarded to the State Election Commission by the Government.

Provided that, the panchayat shall be given a reasonable opportunity of being heard before such dissolution.

(2) If the Government is of opinion that panchayat persistently makes default in performing the duties imposed on it by law or in carrying out the orders or directions lawfully issued by the Government or exceeds or abuses its powers, the Government may by notification in the Gazette, dissolve the said panchayat and shall forward a copy of the same to the State Election Commission:

Provided that, before such dissolution, the Government shall communicate to the panchayat the proposal to dissolve the panchayat along with the reasons for the same and give the panchayat a reasonable opportunity to show cause against it and shall consider the objections or explanation, if any:

Provided further that, if it is proposed to dissolve the panchayat after considering the objections or explanation of the panchayat, it shall seek the advice of the Ombudsman constituted under section 271G and take a final decision on the basis of such advice.]

(3) Upon the publication of a notification under sub-section (1) [135][or sub-section (2)] all the members of the Panchayat including the President and Vice-President shall forthwith be deemed to have vacated their offices as such, and fresh election, shall be held in accordance with the provisions of this Act.

(4) The members of a reconstituted Panchayat shall enter upon their offices on the date fixed for the reconstitution of the Panchayat and shall continue only for the remainder of the period for which the dissolved panchayat would have continued under the provisions of this Act had it not been so dissolved.

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[134] Substituted by Act 13 of 1999.
[135] Inserted by Act 13 of 1999.

[136][(5) The administration of the panchayat during the interval between the dissolution and reconstitution of panchayat shall be exercised by the special officer or administrative committee appointed under sub-section (2) of section 151.]

(6) when a Panchayat is dissolved under sub-section (1) [137][or sub-section (2)] the administrative committee or the special officer appointed by the Government until the date of reconstitution thereof, and the reconstituted Panchayat thereafter shall be entitled to all the assets and be subject to all the liabilities of the Panchayat as on the date of dissolution and on the date of reconstitution respectively.

(7) Every notification issued under sub-section (1) [138][or sub-section (2)] shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions; and if before the expiry of session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the notification or decides that the notification should not be issued, the notification shall thereafter have effect only in such modified form or have no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

194. ***Powers of officers taking action on behalf of or in default of Panchayat and liability of Panchayat fund. -*** The Government or any other officer lawfully taking action on behalf, or in default, of a Panchayat under this Act shall have all such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the Panchayat or its employees whose powers are exercised; and compensation shall be recoverable from the Panchayat's fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the Panchayat or its employees.

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[136] substituted by Act 13 of 1999.
[137] Inserted by Act 13 of 1999.
[138] Substituted by Act 13 of 1999.

CHAPTER XIX
FINANCE AND TAXATION

[139][195. ***Grants and shares of Taxes.*** **–** (1) The Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the panchayats for the proper discharge of their functions under this Act.

(2) The shares of taxes collected by the Government shall be distributed among panchayats at all levels in an equitable manner according to the formula fixed by Government in this behalf.]

196. ***Grants and loans for schemes and projects.*** **-** (1) The Government may make such further grants and loans to the Panchayats as they consider necessary for the execution of specific, schemes projects, programmes or plans relating to any of the matters administered by the Panchayats under such terms and conditions as may be fixed by the Government in this behalf.

(2) Every Panchayat shall utilise such grants or loans under this section only for the specific purposes for which such grants or loans are given.

(3) In respect of loans given by the Government under this section the provisions of the Kerala Local Authorities Loans Act, 1963 (30 of 1963) and the rules made there under shall apply.

[140][196A. ***Annual Report on Grants.*** **–** (1) The State Chief Secretary shall, immediately after each financial year submit an annual report to the Governor in respect of the amount of annual grants due to the Panchayats under any law or otherwise and the amount actually paid to the panchayats and the criterion adopted by the Government for such payment.

(2) The annual report under sub-section (1) Shall be laid before the Legislative Assembly within the first six months of the next financial year.]

197. ***Power of Panchayat to raise loan.*** **-** (1) A Panchayat may borrow any sums of money which may be required for the purposes for which the funds of the Panchayat may be applied under the provisions of this Act or any other law in force*:*

[141] Provided that while raising such loan the assets of the Panchayat shall not be pledged for purposes other than for utilising in remunerative development schemes.

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[139] I bid.
[140] Inserted by Act 13 of 1999.
[141] I bid

(2) The District Panchayats may issue Revenue Bonds and the net proceeds received from facilities and services created utilising such bond may be offered as security for such bonds.

(3) Government may give direction to make good any short fall in escrow accounts from the grants due to the District Panchayat by them.

198. ***Power of Panchayat to collect fixed fees.*** **-** (1) A Panchayat may collect such fees from the beneficiaries of the institutions which are run or financed wholly or partially by it at such rates [142][as fixed by it] subject to the rules made by the Government for the purpose.

[143][(2) Service charges at the rate fixed by the panchayat may be collected from the beneficiaries utilising the toilet facilities, parking facilities or any other amenities or services provided by it.

(3) The amount collected, as service charge shall be utilised for the up keep and maintenance of such facilities and services.]

199. *Surcharge on tax on direction by the Government.* - (1) The Government may by order published in the Gazette, direct any village panchayat to levy from the whole panchayat area a surcharge not exceeding five per cent on the tax leviable under this Act by that panchayat at such rate and with effect from such date (not being earlier than first day of the half year immediately following that in which the order is published] as may be specified in the order, to cover any expenses to be incurred by the district panchayat and block panchayats in respect of any plan, project or work.

(2) Any surcharge levied under this section shall be demanded and collected by the village panchayat in the same manner as if it were the tax levied under this Act and distributed to the block panchayat and district panchayat in the manner prescribed after deducting three per cent thereof towards collection charges.

[144][(3) No surcharge under sub-section (1) shall be directed to be levied unless prior sanction of concerned panchayat is obtained for the implementation of such scheme, project or work.]

200. ***Taxes cess etc, which may be levied by village panchayat.*** **-** (1) Every village panchayat may levy in its area a [145][property tax] a profession tax, an advertisement tax and an entertainment tax.

(2) Service tax shall be levied at the rate fixed by the village panchayat, subject to the minimum rate prescribed for sanitation, water supply, scavenging, street lighting and drainage wherever such services are provided by the Village Panchayat.

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[142] Substituted by Act 7 of 1995.
[143] Added by Act 13 of 1999.
[144] Added by Act 13 of 1992.
[145] Substituted by Act 13 of 1999.

(3) A duty shall also be levied in every village panchayat area on transfers of property in accordance with the provisions of section 206.

[146][(3 A) A village panchayat may levy from land owner, a land conversion cess at such rates and in such manner as prescribed in respect of paddy fields, marshy lands, pond or wet land which he was holding and has been converted into garden land or land on which there is a building.

***Explanation.* -** Nothing in this section shall be deemed as affecting any of the provisions of Kerala Land Utilisation Order, 1967.

(4) (i) A show tax shall be levied on all shows within the village panchayat area at the rates prescribed by Government in this behalf.

***Explanation.* -** the term 'show' includes any entertainment, exhibition performance, amusement, game, sport or race to which persons are admitted on payment of money.

(ii) The tax leviable shall be payable by and recoverable from the owner of the premises if he receives rent for the show or if no rent is paid, the proprietor of the show including any person responsible for the management thereof.]

[147](201) [*****]

202. ***Basic tax grant.* -** (1) The government shall pay annually, as recommended by the Finance Commission, to each Panchayat at the village level in the State a grant, which shall be equal as nearly as may be three by eight, of the amount of basic tax collected by the Government in the last preceding year from that panchayat area.

(2) The Government may, after considering the area, population, available financial resources and the requirement for development, etc., of the village panchayats and the expense for administration of panchayats, also provide an amount [148]as nearly as may be three by eighth that may be prescribed by Government in proportion to the balance amount already collected by Government as basic tax from the entire land of the state for the preceding year, as grant for the village panchayats of the State.

[149][(3) The Government shall, for every year provide, as nearly as may be equal to three by tenth of the amount of basic tax as collected from the district panchayat area in the just previous year, as grant for the Block Panchayats of the Districts;

(4) The Government shall, for every year, provide to every district panchayat an amount as nearly as may be one by fifth of the basic tax collected from the concerned district panchayat area for the just previous year, as grant.]

[150][203. ***Property Tax.* -** (1) every village panchayat shall in accordance with the rules prescribed for the purpose levy a property tax on all buildings and land appurtenant

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[146] Added by Act 13 of 1999.
[147] Omitted by Act 13 of 1999.
[148] Substituted by Act 13 of 1999.
[149] I bid.

thereto situated within the panchayat area and not exempted under this Act at such percentage as may be determined by the village panchayat on the net annual value determined on the basis of the plinth area and considering the site of the building, its use, type of construction and other determined factors:

Provided that in the case of buildings given on rent, tax shall be levied by adding twenty-five percentage also for the net annual value calculated according to plinth area][151]

(2) The building tax shall be levied annually and be payable in two equal half yearly instalments.

(3) The building tax, and the surcharge on building tax, if any levied under section 208, shall subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the building, be a first charge upon the building and up on the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(4) The Government may make rules providing for, -

(i) the manner of ascertaining the net annual rental value of building on the categories in to which they fall for the purposes of taxation:

(ii) the person who shall be liable to pay tax and the giving of notices of transfer of buildings;

(iii) the grant of exemption from tax on the ground of property.

(iv) the grant of vacancy and other remissions; and

(v) the circumstances in which and the conditions subject to which buildings constructed, reconstructed or demolished or situated in areas included in, or excluded from, the panchayat area during any half year, shall be liable or cease to be liable to the whole or any portion of the tax.

[2][(vi) method of fixing the annual value of property based on the plinth area of the building;

(vii) maximum tax to be paid by the assessee;

(viii) returns to be filed by the owners of the buildings;

(ix) rate of deduction to be allowed based on the age and use of the buildings.]

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[150] Substituted by Act 13 of 1999.
[151] Added by Act 13 of 1999.

(5) If the occupier of a building pays the building tax on behalf of, the owner thereof, such occupier shall be entitled to recover the same from, the owner and may deduct the same from the rent then or there after due by him to the owner.

204.***Profession tax.*** **-** (1) The profession tax shall subject to such rules as may be prescribed be levied every half year in every village panchayat area on –

(i) every company which transacts business in such panchayat area for not less than sixty days in the aggregate in that half year; and

(ii) every person who, in that half year -

(a) exercise a profession, art or calling, or transacts business or holds any appointment, public or private -

(i) within such panchayat area for not less than sixty days in the aggregate, or

(ii) outside in such panchayat area but who resides in it for not less than sixty days in the aggregate, or

(b) resides in such panchayat area for not less than sixty days in the aggregate and is in receipt of any income from investments.

(2) The profession tax shall be levied at such rates as may be fixed by the village panchayat not exceeding the maximum rates prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Act, or profession tax levied under any law for the time being in force governing Municipalities in the State or any tax of the nature of a profession tax imposed under the Cantonment Act, 1924, for the same half year to any Panchayat or Nagar Panchayat or Municipal Council or Municipal Corporation or Cantonment authority in the State, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling appointment or residence, to pay to any other panchayat, Nagar Panchayat, Municipal Council or Municipal Corporation or Cantonment authority in the State more than the deference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half year under this Act or the law governing Municipalities or Cantonment.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises this profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to higher profession tax for more than the higher of the amounts of tax leviable by any of the local authorities. In such cases the tax shall be levied by the local authority which levied the higher rate of tax and shall be apportioned among local authorities in such proportion as may be prescribed:

Provided that where one of the local authorities concerned is a Cantonment authority or the Port authority of a major port the decision of the local authorities shall be subject to the concurrence of the Central Government obtained in such manner as may be prescribed.

(6) The profession tax leviable from a firm or association may be levied from the agent of the firm or association as the case may be.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area of a Village Panchayat such company or person shall be deemed to transact business in that local area, and such servant or agent shall be liable for the profession tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax on the same income as that of the principal.

205. ***Collection of profession tax by employers.*** **-** (1) Every head of office or employer in relation to an office or undertaking or institution where persons are employed for salaries or wages shall as soon as may be, on receipt of the bill or notice of demand of profession tax, serve such bill or notice on the employees and return the duplicate of such bill or notice to the secretary of the village panchayat concerned.

(2) Subject to such rules as may be prescribed, upon service of bill or notice of demand, the Head of office or employer shall, after the expiry of the period specified in the bill or notice, recover or collect the amount of profession tax shown in the bill or notice, by deduction or otherwise from the salaries or wages of the employees and remit it to the village panchayat in such manner as may be prescribed.

(3) Where the amount of profession tax covered by a bill or notice of demand is in after on account of default on the part of the Head of office or employer to collect and remit the same as required in this section such amount shall be recovered from such Head of Office or employer subject to such rules as may be prescribed as if it is an arrear due from him:

Provided that in the case of self-drawing officers, the Head of office or employer shall take such steps as may be prescribed for ensuring remittance by such self-drawing officers of the profession tax covered by the bill or notice.

[152][205 A. ***Statements, Returns, etc, to be confidential.*** **-** All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax payable by any company or person shall be treated as confidential and copies thereof shall not be issued to the public.

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[152] Inserted by Act 13 of 1999.

205B. ***Requisition on owner or occupier to furnish list of persons liable to tax. -*** The Secretary may, by notice, require the owner or the occupier of any building or land and every administrator or manager of a hotel, boarding or lodging house, club or residential chambers, to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or chambers and specifying the profession, art or employment of every such person and the rent, if any paid by them and the period of such occupation.

205C. ***Requisition on employers or their representatives to furnish list.*** **-** The Secretary may by notice require any employer or head of office or the administrator or the manager of any public or Private office, hotel, boarding or lodging house, club, firm or a company. : -

(a) to furnish, within specified time a list in writing containing the names of the employer and all persons who were employed or working in such office, hotel, boarding or lodging house, club, firm or company as officers, employees, interpreters, agents, suppliers or contractors along with a statement of the salary or income of such persons employed and

(b) to furnish particulars in regard to any company of which such employer or head administrator or manager, as the case may be, is an agent.

205 D. ***Recovery of profession tax by employers. -*** Notwithstanding anything contained in the foregoing provisions, every head of office, employer, manager, proprietor and any person in the administrative control of any office company, firm, undertaking, establishment or any institution, where persons are employed or engaged for salaries or wages, shall be bound to recover from any such person liable to profession tax, the profession tax due at the rate fixed by the village panchayat and pay over to the village panchayat as hereinafter provided.

205 E. ***Requisition to furnish name of Institutions etc. -*** (1) The Secretary shall during the month of April every year, by notice, require every head of office or person bound to recover profession tax under section 205D to furnish the names and addresses of the offices or institutions under his control within such time as may be specified in the notice.

(2) Every head of office shall furnish to the Secretary the information required by him under sub-section (1) within such time as may be specified and he shall also furnish the name and designation of the head of office and shall intimate the secretary whenever there is a change to the head of office.

(3) The Secretary shall immediately on receipt of the information furnished to him under sub section (1) register the name of offices or institutions in a register maintained for the purpose.

205F. ***Assessment of profession tax by head of office etc.-*** (1) The Secretary shall, during the month of May and November in every half year, by notice require every head of office or employer to assess all employees in his institution, who are liable to pay profession tax and every self drawing officer to remit the Profession tax due in accordance with the schedule to the said notice.

(2) Before the end of August and February every year each head of office and employer shall assess the tax payable by all employees liable to pay tax and recover the amount from them and pay over to the village panchayat together with a list of all employees whose tax has been assessed giving the details such as name, designation, half yearly income and amount of tax recovered and shall also furnish a certificate to the effect that all employees liable to tax have been included in the statement furnished.

205G. ***Issue of receipt for remittance.*** **-** (1) The Secretary shall, on receipt of the payment, issue an official receipt in the name of the head of office for the amount remitted.

(2) Every head of office shall, in turn, grant to each taxpayer a certificate in respect of the recovery and payment of tax to the village panchayat of the relevant half-year.

205 H. ***Payment of tax by self-drawing officers.*** **-** (1) Every self-drawing officer shall, before the end of August and February every year, remit or cause to be remitted the profession tax due from him in respect of such half-year in accordance with the schedule of tax in force along with a statement showing the details etc. of half yearly income.

(2) Soon after the receipt of payment under sub section (1) the Secretary shall issue official receipt thereof.

205 I. ***Maintenance of Demand Register.*** **-** The Secretary shall maintain a ward-wise Demand Register by providing independent pages for every institution specified in sub-section (2) of section 205E and in such case the head of office and the self-drawing officers if any, shall be the assesses and the remittance shall be entered against their names. One demand register for this purpose may be used for one or more years.

205 J. ***Certificate of drawing and disbursing officers and self drawing officers,*** **-** A certificate shall be furnished along with the salary bill of the drawing and disbursing officer and the self-drawing officers relating to the month of February and August every year, to the effect that profession tax due in respect of all employees and himself, as the case may be has been paid and the details thereof have been furnished to the secretary and in the absence of such certificate the passing official shall not honour the bill.

205K. ***Penalty for non-payment of tax.*** **-** Where, at any time, it appears to the Secretary that any head of office or employer or self-drawing officer who are bound to furnish the details and remit the tax due as specified under sections 205 E, 205F and 205H has failed to furnish such details or to remit the tax due within the specified time, the secretary shall immediately thereafter take penal action against such defaulter or defaulters.

Explanation. **-** For the purpose of this section and sections 205D to 205J (both inclusive) the expression Head of office or employer in relation to an office, institution, undertaking, establishment etc. means the person authorised to draw and disburse the salary or wages of the employees in such office, institution, undertaking or establishment.

206. ***Duty on transfer of property.*** **-** (1) The duty on transfer of property shall be levied –

(a) in the form of a surcharge on the duty imposed by the Kerala Stamp Act, 1959, on every instrument of the description specified below, which relates to the immovable property situated in the area under the jurisdiction of a village panchayat; and

(b) at such rate as may be fixed by the Government not exceeding five per cent on the amount specified below against such instruments:

Description of instrument	***Amount on which duty should be levied***
(1)	(2)
(i) Sale of immovable property	The amount or value of the consideration for the sale as set forth in the instrument.
(ii) Exchange of immovable property	The value of the property of the greatest value as set forth in the instrument.
(iii) Gift of immovable property	The value of the property as set forth in the instrument
(iv) Mortgage with possession of immovable property	The amount secured by the mortgage as set forth in the instrument
[153][(v) (a) assignment on lease of immovable property for more than one year	The same stamp duty on a bottomry bond (item 14 of the Schedule to the Kerala Stamp Act, 1959) which may be remitted or payable as per the lease deed.
(b) assignment on lease of immovable property for not less than one year but not more than five years.	The same stamp duty on a bottomry bond (item 14 of the Schedule to the Kerala Stamp Act 1959) on one year's average lease amount or price fixed.
(c) assignment on lease of immovable property for more than five years but not exceeding ten years.	The same stamp duty on a sale deed (items 21 or 22, as the case may be, of the Schedule to the Kerala Stamp Act, 1959) for a consideration equal to the average of lease amount fixed for an year.
(d) assignment on lease of immovable property exceeding ten years but not being a perpetual lease	If the lease is subsisting for a very long period the same stamp duty as on a sale deed (item 21 or 22, as the case may be, of the Kerala Stamp Act, 1959) for a consideration equal to three times the average yearly lease amount or price remitted or paid for the first ten years.

[153] Inserted by Act 7 of 1995.

(e) Perpetual lease of immovable property	Total amount of lease remitted or paid during the first fifty years, as shown in the instrument]
(vi) Release, that is to say, any instrument whereby a person renounces a claim upon another person or against any specified property when such release does not operate in favour of his or her spouse or children.	The amount or value as set forth in the released deed.

(2) On the introduction of the duty as aforesaid, -

(a) Section 28 of the Kerala Stamp Act, 1959 shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a village panchayat and in respect of property situated outside such area; and

(b) Section 62 of the Kerala Stamp Act, 1959 shall be read as if it referred to the village panchayat as well as Government.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the Village Panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

(4) The amounts collected in all the village panchayats in the State as duty on transfer of property under this section shall be pooled every year for the entire State and distributed among the village panchayats after deducting three per cent thereof towards collection charges.

(5) Seventy-five per cent of the amounts payable to the village panchayats under sub-section (4) shall be distributed among all the village panchayats in the State in proportion to the population of the village panchayat areas as ascertained at the latest census of which the relevant figures have been published. The balance of twenty-five per cent of the amounts shall be distributed to the village panchayats in such proportion as may be fixed by the Government or such other officer as they may authorise by special or general order having regard to the area, available resources, needs of development and cost of Panchayat administration.

207. ***Exemption from Tax, Cess, etc.*** **–** (1) The following buildings and lands shall be exempt from the tax, cess or duty leviable under section 200, namely: -

(a) Places set apart for public worship, and either actually so used or used for no other purposes.

(b) choultries for the occupation of which no rent is charged and choultries where the rent charged for the occupation is used exclusively for charitable purpose;

[154][(c) Buildings including hostels under the ownership and use of educational institutions recognised by Government, public buildings used for charitable purposes of providing shelter to destitutes and animals and libraries and playground open to public.]

(d) such ancient monuments protected under the law relating to the protection of ancient monuments for the time being in force, or parts thereof as are not used as residential quarters or as public offices;

(e) burial and burning grounds;

(f) building or land belonging to the Panchayats; and

(g) such property of the Government not being buildings as may from time to time, be notified by the Government in the Gazette.

[155][(h) building with mud walls or roofs thatched with leaves or lightweight sheets and having a plinth area of less than 20 sq.metres;

(i) Residential building constructed by a person, who belongs to an economically weaker section, using Government subsidy and having a plinth area of less than twenty sq.metres.

Explanation. **-** The exemption under this section shall not be given to buildings and lands for which the owners realise rent and to residential houses appertaining to schools and colleges but not hostels and residential buildings attached to libraries.]

(2) The Government and with sanction of Government, a village panchayat may exempt any person or class of persons wholly or in part from the payment of any tax, cess or duty to which he or they may otherwise be liable under the provisions of this Act. But nothing in this section shall be deemed to authorise the exemption of any, person solely on the ground that he is a member of the Panchayat.

Explanation. **-** In this section, 'person' includes an institution, firm, company or corporation.

208. ***Surcharge on [156][property tax].*** **-** (1) A village panchayat may in the manner prescribed, levy either from the whole panchayat area or any specified portion thereof and for a specified time a surcharge not exceeding five per cent on the [157][property tax] levied under section 203 to cover any unusual expenses incurred by it in respect of any plan, project or work:

Provided that not more than two surcharges shall be imposed on such [158][property tax] levied at a time.

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[154] Inserted by Act 13 of 1999.

[155] Substituted by Act 13 of 1999.
[156] Substituted by Act 13 of 1999.
[157] Ibid.
[158] Ibid.

(2) any surcharge levied under this section shall be demanded and collected in the same manner as if it where the [159][property tax] levied under section 203.

[160][209. ***Tax on advertisement.*** **-** Every person who erects, exhibits, fixes or retains upon or over any land, building, wall boarding or structure, in a village panchayat area any advertisement or who displays any advertisement to public view in any manner whatsoever in any place in such area whether public or private shall pay to the village panchayat on every such advertisement a tax calculated at such rates and to such manner and subject to such exemptions as the village panchayat may with the approval of the Government and by resolution determine :

Provided that the rates shall not be less than the rates prescribed by the Government for the purpose:

Provided further that the tax under this section on any advertisement displayed in a public service vehicle as defined in the Motor Vehicles Act, 1988 (Central Act 59 of 1988) passing through the local limits of more than one Local Self Government Institution shall be levied by a village panchayat only if such vehicle;

(a) commences its operation from the area of that village panchayat; or

(b) commences its operation from a place not within the said village panchayat and passes through the said village panchayat before passing through the local limits of any other Local Self Government Institution:

Provided further that no tax under this section, shall be levied on any advertisement or a notice –

(a) of a public meeting; or

(b) of an election to any legislative body or a Municipality or a panchayat; or

(c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on any advertisement which is not a skysign and which –

(a) is exhibited inside the window of any building which is not a public place; or

(b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or to any sale, entertainment or meeting to be held upon or inside the same; or

(c) relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building;

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[159] Ibid
[160] Inserted by Act 13 of 1999.

(d) relates to the business of any railway administration or airport authority;

(e) is exhibited within any railway station or airport or upon any such wall or other property facing the street excluding any portion of the surface of the wall or property belonging to the railway administration or airport authority.

***Explanation 1.* –** The word "structure" in this section shall include any movable board on wheels used as an advertisement or as an advertisement medium.

***Explanation 2.* –** The expression "sky-signs", in this section, means any advertisement supported on or attached to any post, pole, pillar, frame work or other support wholly or partly upon or over any land, building, wall structure which, or any part of which, sky-sign shall be visible against, the sky from some point in any public place and includes all and every part of any such post, pole, pillar frame work or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or partly for the purposes of any advertisement upon or over any land buildings or, structure or upon or over any public place but shall not include-

(a) any flag-stiff, pole, vane, or weather, cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one contiguous face land not open work and do not extend in the height more than one metre above any part of the wall or parapet or ridge to, against or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway station, yard, platform or station approach belonging to a railway administration and so placed that it shall not fall into any street or public place; or

(e) any notice of land or buildings to be sold or let, placed upon such land or is building.

***Explanation 3.* –** For the purpose of this section 'Public Place' means any place which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not.]

[161][209 A. ***Prohibition of advertisement without written permission of the Secretary.* -** (1) No advertisement shall after taking a decision by the Village Panchayat on the levy of tax under section 209, be erected exhibited, fixed or retained upon or over any land,

[161] Inserted by Act 13 of 1999.

building, wall, hoarding or structure within the village panchayat area or shall be displayed in any manner whatsoever in any place in that village panchayat area without the written permission of the Secretary.

(2) The Secretary shall not grant such permission if. -

(i) the advertisement contravenes any bye-law made by the Village Panchayat under section 256; or
(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of subsection (2), in the case of an advertisement liable to advertisement tax, the Secretary shall grant permission for the period to which the payment of tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway administration relating to the business of the railway administration.

209 B. ***Owner or person in possession be deemed responsible.*** **-** Where any advertisement is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 209 or 209A or after the written permission for the erection, exhibition, fixation or retention thereof for any period has been expired or become void, the owner or occupier of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained, such advertisement in contravention unless he proves that such contravention has been committed by a person not in his employment or control or has been committed without his contrivance.

209 C. ***Removal of unauthorised advertisement.*** **-** (1) Where any advertisement is erected, exhibited, fixed or retained contrary to the provisions of section 209 or section 209 A or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the Secretary may, by notice in writing, require the owner or occupier of the land, building, wall hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement, or may enter any building, land or property and have the advertisement removed.

(2) Any person exhibiting or responsible for exhibiting any advertisement otherwise than, in accordance with the provisions of this Act shall be liable to pay, in addition to the penalty prescribed in VI and VII Schedule, the charges for the removal of the unauthorised advertisement, to the Village Panchayat.

209 D. ***Collection of tax on advertisement.*** **-** The Secretary may farm out the collection of any tax on advertisement leviable under section 209 for any period not exceeding one year at a time on such terms and conditions as may be provided for by bye-laws made under section 256.

209 E. ***Recovery of tax payable.*** **-** Notwithstanding [anything contained in this Act any, amount payable under the provisions of this Act, rules or bye-laws, is not paid on the due date, shall be recovered together with penal interest at the rate of two per cent per month from the due date:

Provided that no penalty shall be recovered on any amount that has become payable or payable in a half year, if it is paid in the same half year.]

210. ***Recovery of arrears of tax, cess, etc.*** **-** Any arrear of cess, rate, surcharge or tax imposed or fees levied under this Act shall be recoverable as an arrear of public revenue under the law relating to the recovery of arrears of public revenue for the time being in force:

Provided that the Secretary of a Village Panchayat may directly recover by distraint, under his warrant, and sale of movable properties of the defaulter subject to such rules as may be prescribed:

Provided further that, if for any reason the distraint or a sufficient distraint of a defaulter's property is impracticable, the Secretary may prosecute the defaulter before a Magistrate.

211. ***Power to require village officer to collect taxes and fees due to panchayats.*** **-** Subject to such rules as may be prescribed, the Secretary shall have power to require the village officer having jurisdictions over Village Panchayat area or any part thereof to collect any tax, cess, surcharge or fee due to the Panchayat on such conditions as the Government may by general or special order determine.

212. ***Panchayat funds.*** **-** (1) Every Panchayat shall constitute a fund in accordance with provisions of this section.

(2) (a) All moneys received by the Village Panchayat except the [162][money accepted for the Block Panchayat or District Panchayat or the Government] and those received on behalf of the Block Panchayat the District Panchayat or the Government shall constitute a fund called the Village Panchayat fund and shall be applied and disposed of in accordance with the provisions of this Act and the rules made there under:

Provided that the Village Panchayat shall have power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or surcharge levied under this Act shall be earmarked for the purpose of financing any specific public benefit. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

[163][(b) The Village Panchayat fund shall consist of the following components, namely: -

(i) Own income of the Village Panchayat which shall consist of taxes, duties, cesses and surcharge levied under this Act or any other law, lease rents and other receipts from

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[162] Substituted by Act 13 of 1999.
[163] Inserted by Act 13 of 1999.

properties and enterprises, fees for licences and permissions, fines and penalties, income from endowments and trusts managed by the Village Panchayat, unclaimed deposits and other forfeitures and miscellaneous income from sources such as porampokes, fishing lands and shall include the share of the taxes collected by Government and transferred to the credit of the Village Panchayat and the grants released by Government.

(ii) Grants released by the Government for implementation of schemes, projects and plans formulated by the Village Panchayat;

(iii) Grants released by the Government for the implementation of schemes projects or plans assigned, delegated or entrusted to the Village Panchayat under this Act; and

(iv) Money raised through donations, contributions and grants from the public and non-Governmental agencies.

(v) The amount borrowed under section 197]

[164][* * *]

(3) All moneys received by the Block Panchayat except those received on behalf of the Government or the District Panchayat shall constitute a fund which shall be called 'the Block Panchayat Fund' and shall be applied and disposed of subject to the provisions of this Act and the rules made there under.

(4) All moneys received by the District Panchayat except those received on behalf of the Government shall constitute a fund which shall be called the 'District Panchayat Fund' and shall be applied and disposed of subject to the provisions of this Act and rules made there under.

(5) Notwithstanding anything contained in sub-section (2) to (4) the Government may direct any panchayat to constitute separate funds to which shall be credited such receipt as may be specified by the Government and such funds shall be applied and disposed of in the manner prescribed.

(6) The amounts at the credit of the Village Panchayat fund, the Block Panchayat fund or the District Panchayat fund referred to in sub-sections (2) to (4) and the other fund referred to in sub-section (5) shall be kept in the Public Deposit Account in the Government treasury as may be specified by the Government.

(7) All fees for licences and permissions received by the Village Panchayat under this Act or any other law [165][* *] shall be utilised for the purpose for which the said fees are levied.

[166](8) All grants released by the Government for the implementation of schemes, projects and plans shall be utilised only for the purposes for which such grants are released.

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[164] Omitted by Act 13 of 1999.
[165] Omitted by Act 13 of 1999.
[166] Inserted by Act 13 of 1999.

(9) No contribution, grant or expense for a purpose not directly concerned with a function of the panchayat specified in this Act or any other law shall be made by a panchayat from the panchayat fund in excess of an annual limit that may be specified by the Government.

(10) The panchayat shall constitute a special fund on the discretion of the panchayat from the donations and contributions which are collected locally for meeting the expenses to be incurred by the President as per the powers delegated to the President by the panchayat and its constitution and utilisation are to be according to the bye-laws made by the panchayat for this.]

213. ***Items of expenditure debitable to panchayat fund.*** **–** (1) The purposes to which a panchayat fund may be applied include all objects authorised by this Act, the rules made there under and by other laws and in general everything necessary for or conducive to the safety, health, education, convenience, comfort and welfare of the inhabitants of the panchayat area concerned and everything incidental to the administration of the panchayat; and the funds shall be applicable thereto within the panchayat area subject to this Act, the rules framed there under [167][* * *]and shall be applicable thereto outside the panchayat area if the expenditure is specifically sanctioned by the Government.

(2) (a) It shall be the duty of every panchayat to provide for the payment of -

(i) any amount falling due on any loans contracted by it;
(ii) the election expenses including the cost of preparation of the electoral rolls and conduct of elections;
(iii) the salaries and allowances and the pensions, pensionary contributions, gratuity and provident fund contributions of its officers and employees and the allowances to the President, Vice-President and members which may be due;
(iv) sum due under any decree or order of a court;
(v) any other expenses rendered obligatory by or under this Act or any other law; and
(vi) amount of fees for audit.

(b) The Government shall determine the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the panchayat. Such amount shall have priority over all other charges except for the service of authorised loans including the loans and advances referred to in section 217.

(3) A panchayat may contribute any fund for the defence of India.

(4) A panchayat may by resolution supported by not less than one half of its strength, sanction the payment of -

(i) a contribution towards the expenses of any Panchayat conference or association of Panchayats, or
(ii) any contribution towards the expenses or reception of important personages or the expenses of any public exhibition, ceremony or entertainments -

[167] Omitted by Act 13 of 1999.

[168][or meet the expenses in connection with any matter not specified in the Act or the Rules made there under:

Provided that the total annual expenses under this sub-section shall not exceed the limit prescribed by the Government.]

5.[169] [* * * * * *]

[170][214. ***Preparation and sanction of Budget.*** **-** (1) Subject to such directions as may be issued by Government from time to time and rules as may be prescribed, the budget proposals containing detailed estimate of income and expenditure expected for the next year including the expenditure on the development plans prepared and sanctioned under section 175 shall be prepared by the respective standing committee considering the estimates and proposals submitted by Secretary and the officers dealing with the respective subjects, before the 15th January every year and the same shall be submitted to the standing committee for finance.

(1A) The standing committee for finance, after considering the proposals submitted under sub-section (1) and all the requirements under this Act shall prepare a budget showing the income and expenditure of the panchayat for the ensuing year and the Chairman of the said standing committee shall, not later than the first week of March, in a special meeting of the panchayat regarding the development and declaration therein by the president regarding the development and welfare works that are proposed to be taken up by the panchayat, present the same before the panchayat for its approval.

(1B) The panchayat shall consider the budget proposals and finally pass the budget estimate with alterations if any, before the beginning of the year to which it relates.]

(2) The working balance shown in the budget shall not be less than five per cent of the current year's estimated receipts, excluding receipts from endowments, government grants contributions and debt account.

(3) Receipts anticipated shall be accurate and elaborate and shall be accompanied by detailed notes and explanations of any specific difference from the preceding years actual receipts.

(4) It shall contain necessary provisions to meet all the prescribed charges and repayment of debts.
(5) If in the course of a year a Panchayat finds it necessary to modify the estimates shown in the budget with regard to its receipts or expenditure on the different services undertaken by it, the Standing Committee shall frame a supplemental or revised budget and forward it to the Panchayat for sanction.

(6) Save in the case of a pressing emergency no sum shall be expended by or on behalf of a Panchayat unless such sum is included in the budget estimates in force at the time of incurring the expenditure.

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[168] Inserted by Act 13 of 1999.
[169] Omitted by Act 13 of 1999.
[170] Inserted by Act 13 of 1999.

[171][(7) As soon as the budget is passed, copies thereof shall be furnished to the Government and to the officers authorised by the Government in this behalf and also to the auditors and such authorised officers shall prepare a consolidated statement of the budget estimate of the panchayats in each district:

Provided that, the village panchayats and the Block Panchayats in a district shall furnish copies of the budget passed by them to the district panchayat and the District Planning Committee concerned.

(8) A panchayat shall not either incur any expenditure in excess of the provision in the budget or where the budget of the year has not been passed before the first day of April, make any expenditure from that date.]

215. ***Accounts and audit.*** -(1) The Panchayat shall maintain such books of accounts and other books in relation to its accounts and prepare an annual statement of accounts in such form as may be prescribed.

(2) Accounts of receipts and expenditure of every Panchayat shall be maintained for every financial year in such form as may be prescribed.

(3) the Examiner of Local Fund Accounts and his nominees shall be the auditors of the Panchayat.

(4) The auditors shall conduct a continuous audit of the accounts of the Panchayat and shall after completing the audit for a year or for any shorter period or for any transaction or series of transactions, send a report to the Panchayat concerned and duplicate copies thereof to the officer authorised by the Government in this behalf.

(5) The auditors shall specify in the report under sub-section (4), all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the Panchayat, or any loss or waste of money or other property thereof caused by neglect or misconduct of the officer and authorities of the Panchayat.

(6) The auditors shall also report on any other matter relating to the accounts of the Panchayats as may be required by the Government, to the officer authorised by the Government in this behalf.
(7) The Panchayat shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the officer authorised by the Government in this behalf.

(8) The auditors shall in the performance of their functions under this Act have all the powers of the civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any persona and examining him on oath;

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[171] Inserted by Act 13 of 1999.

(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or copy thereof, from any court of office; and
(e) such other matters as may be prescribed.

(9) The auditors shall, after giving a reasonable opportunity to the person concerned to explain his case, disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring, or authorising the incurring of, such expenditure and may charge against any person responsible therefore the amount of any deficiency, loss or unprofitable outlay occasioned by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case certify the amount due from such person :

Provident that no surcharge under this sub-section shall be made after a period of four years from the date on which the expenditure in question was incurred.

Explanation. **-** It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(10) The auditors shall state in writing, the reasons for their decision in respect of every disallowance, surcharge or charge and a copy of such decision shall be served on the person against whom it is made in the manner laid down for the service of summons in the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(11) Any person aggrieved by any disallowance, surcharge or charge may, within fourteen days after the date of service on him of the decision of the auditor, make an application to the district court to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances.

(12) Where an application is made to the court under sub-section (11) the auditors shall be the sole respondents thereto and the applicant shall not make either the Government or any other person a party to the proceedings.

(13) From the decision of the district court under sub-section (11) an appeal shall lie to the High Court.

(14) Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Secretary of the Panchayat concerned within thirty days after the date of service on him of the decision of the auditors unless within that time such person has made an application to the court against the decision; and such sum, if not so paid, or such sum as the court declares to be due shall be recoverable as if it were an arrear of land revenue.

(15) An abstract of every annual report of a panchayat as certified by the auditor showing its income under each head of receipt, the charges for the establishment, works

undertaken, the sum expended on each work the balance, if any, remaining unexpended together with the audit report thereon shall be submitted to the officer authorised by the government in this behalf not later than fifteenth day of the second month of the next financial year.

(16) On receipt of the report referred to in sub-section (15), the Officer shall forthwith consolidate the report and submit it to the Government.

(17) The government shall –

(a) cause the accounts of the Panchayat together with the audit report thereon received by it under sub-section (16) to be laid before the Legislative Assembly; and
(b) cause the accounts of the Panchayat to be published in such manner as may be prescribed.

216. ***Contribution to the expenditure by other local Self Government Institutions. -*** If the expenditure incurred by the Government or by any other Panchayat or by any other Local Self Government Institutions in the State for any purpose authorised by or under this Act, is such as to benefit the inhabitants of the Panchayat area, the Panchayat may, [172][make a contribution towards such expenditure.]

217. ***Recovery of loans and advances made by Government.*** **-** (1) Notwithstanding anything contained in the Kerala Local Authorities Loans Act 1963, the Government may, by order, direct any person having custody of the funds of the Panchayat to pay to them in priority to any other charges against such fund, except charges for the service of authorised loans any loan or advance made by them to the Panchayat for any purpose to which its funds may be applied under this Act.

(2) The person to whom the order referred to in sub-section (1) is addressed shall be bound to comply with such order.

[172] substituted by Act 13 of 1999.

CHAPER XX

PUBLIC SAFETY, CONVENIENCE AND HEALTH

218. ***Vesting of watercourse, springs, reservoirs, etc., in Village Panchayats.*** **-** (1) Notwithstanding anything contained in the Kerala Land Conservancy Act 1957 (8 of 1958) or in any other law for the time being in force, all public water courses (other than river passing through more areas, than the panchayat area which the Government may, by notification in the gazette, specify), the beds and Banks of river streams, irrigation and drainage channels, canals, lakes, back waters and water courses and all standing and flowing water, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works including those used by the public to such an extent as to give a prescriptive right to their use whether existing at the commencement of this Act or afterwards made, laid or erected and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land, not being private property appertaining thereto shall stand transferred to and vest absolutely in the village panchayat:

Provided that nothing contained in this sub-section shall apply to any work which is or is connected with a work or irrigation or to any adjacent land appertaining of any such work.

(2) Subject to the provisions of this Act, all rights and liabilities of the Government in relation to the water courses, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works vested in the village panchayat under sub-section (1) shall from the date of such vesting be the rights and liabilities of the village panchayat.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the government may, by notifications in the Gazette, assume the administration of any public source of water supply and public land adjacent and appertaining thereto after consulting the village panchayat and giving due regard to its objection, if any.

(4) It shall not be lawful for any person to remove or appropriate for himself any tree, earth, sand, metal, laterite, limeshell or such other articles of value as may be notified by the village panchayat from any land which is transferred to or vested in the village panchayat, under this Act whether a poramboke or not except under and in accordance with the terms and conditions of a permit issued by the village panchayat in this behalf and on payment of such fees and compensation at the rate determined by the village panchayat.

219. ***Contributions from persons having control over places of pilgrimage etc.*** **-** Where a mosque, temple, church, mutt or any place of religious worship or instruction or any place which is used for holding fairs or festivals or for other like purposes is situated within a village panchayat area or in the neighbourhood, thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the village panchayat, and the village panchayat shall after consulting the trustee or any other person having control over such place, require him to make such recurring or non-recurring contribution to the funds of the village panchayat

as may be reasonable in the circumstances of the case and it shall be incumbent on such person to make such contribution. If such person fails to pay the contribution within such time as may be prescribed the amount shall be recoverable as an arrear of public revenue due on land.

[173][219 A. ***Village Panchayat to arrange for the removal of rubbish, solid, wastes and filth.*** - (1) Every village panchayat shall make adequate arrangements for –

(a) the regular sweeping and cleaning of the roads and removal of sweeping there from;
(b) the daily removal of the fifth and the carcasses of animals from private premises;
(c) removal and burial of unclaimed dead bodies under intimation to the police;
(d) the removal of solid wastes;
(e) the daily removal of rubbish from dustbins and private premises and with this object, it shall provide –
  (i) depots, receptacles and places for the deposit of filth, rubbish and the carcasses of animals;
  (ii) Covered vehicles and vessels for the removal of filth;
  (iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish; and
  (iv) dust bins, receptacles and places for the temporary deposit of domestic waste, dust, ashes, refuse, offensive matter, trade refuse, institutional refuse, carcasses of animals.

(2) The Secretary shall make adequate provision for preventing the depots, place, receptacles, dust bins, vehicles and vessels referred to in sub section (1) from becoming sources of nuisance.

(3) A village panchayat may contract out any part or the whole process of collection and disposal of solid waste from the public or private premises.

219 B. ***Duty of owners and occupiers for collection and deposit of rubbish and solid waste.*** - (1) It shall be the duty of the owners of all premises to provide receptacle of the size specified by the secretary for the purpose of collection of domestic waste, trade waste, institutional waste, dust, ashes, refuse and decayed matters generated from such premises.

(2) Such receptacles shall, at all times, be kept in good condition and shall be provided in such number and at such places at the secretary may, from time to time by written notice direct.

(3) The Secretary may, by public notice direct the owners or occupiers or all premises to segregate the waste generated from such premises for easy management and disposal of such waste by the employees or contractors engaged by the village panchayat.

(4) It shall be incumbent on the owners and occupiers of all premises to cause all domestic waste, trade waste, Institutional waste, dusts, ashes, refuse, rubbish etc., to be

[173] Inserted by Act 13 of 1999.

collected from their respective premises and to be deposited in the public receptacle depot or place provided for the temporary deposit of wastes at such time as the secretary may, by public notice from time to time, specify or hand over the waste to the persons engaged or identified by the village panchayat for the purpose.

219C. ***Contract with owner or occupier for removal of rubbish or filth.*** **-** The secretary may enter into contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms and conditions as is deemed expedient to the secretary and on payment of fees at such rates as the village panchayat determines from time to time.

219D. ***Introduction of house-to-house collection of rubbish.*** **-** (1) The secretary may, with the sanction of the village panchayat introduce in the village panchayat area or part there of house to house collection of rubbish and other offensive matter for which he may publish from time to time an order specifying the hours within which the occupier of any house or premises or land may place, rubbish or offensive matter adjacent to his house, premises or land as may be specified by the secretary, in a proper receptacle provided by the village panchayat or in a receptacle of the size and type as may be specified by the secretary in the order that such rubbish or offensive matter may be removed by the employees of the village panchayat or by the contractors who may be engaged by the village panchayat for this purpose.

(2) No persons shall place rubbish or offensive matter on a public street at the time other than the time specified by the secretary and except in the receptacle provided or specified under sub-section (1).

219 E. ***Rubbish and other solid waste shall be the property of the village panchayat.*** **-** Rubbish and other solid waste collected by the employees or contractors of the village panchayat and the carcasses deposited in any public receptacles, depots or place shall be the property of the village panchayat and the village panchayat may dispose of the same by auction or otherwise.

219 F. ***Provision for the final disposal of solid waste*** **-** (1) Every village panchayat shall identify and notify suitable places within or outside the village panchayat area for the purpose of final disposal of waste.

(2) While notifying the land under sub-section (1) health and environmental aspects shall be taken into consideration by the village panchayats.

(3) Every village panchayat may make adequate arrangements for the utilisation of solid wastes for the preparation of compost and the disposal of it by sale.

(4) Where composting of waste is not found possible or practicable sanitary landfill methods shall be adopted for the disposal of waste at the landfill sites in the manner specified by the village panchayat.

(5) Incineration of waste may be resorted to by the village panchayat for the disposal of infectious waste rejected from the hospitals, nursing homes or health care centres and non-industrial hazardous waste as specified by the village panchayat from time to time.

219G. ***Provision for processing of solid wastes.*** **-** The village panchayat may for the purpose of recycling, treating, processing and disposing of solid wastes or converting such solid wastes into compost or any other matter, construct, acquire, operate maintain and manage any establishment within or outside the village panchayat area and run it on a commercial basis or may contract out such activity.

219H. ***Removal of rubbish and solid waste accumulated on non-residential premises.*** **-** (1) The Secretary may if he thinks fit by notice in writing of any premises used as

(a) a factory, workshop or a place for carrying or any manufacturing process, or
(b) a market or trade premises, or
(c) a slaughter houses, or
(d) a hotel, eating house, or restaurant, or
(e) a hospital or a nursing home, or
(f) a warehouse or godown, or
(g) a place to public resorts, where rubbish offensive matter, filth, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matters are accumulated in large quantities, to collect such matters accumulated thereon and to remove the same to a depot or place provided or directed by the secretary at such time and in such manner and by such routes as may be specified in the notice.

Provided that, where such solid wastes cannot be removed to such place or depot as required by the secretary on health reasons, the secretary may direct the owner a occupier of such, premises to make his own arrangements for disposal of such wastes and for non-compliance of such direction, he may on conviction, be punished with a fine which may extend to rupees ten thousand and a further fine at the rate of rupees one hundred for each day during which the offence is continued.

(2) Where the owner or occupier fails to dispose of the waste in pursuance of the notice under sub-section (1), the cost for such removal shall be fixed and realised by the village panchayat from the said owner or occupier.

219 I. ***Prohibition of improper disposal of carcasses rubbish and filth.*** **-** (1) No person shall after due provision has been made under section 219A by the village panchayat for the deposit and removal of rubbish, solid waste, carcasses or filth, deposit the same, -

(a) in any street or on a verandah of any building or any unoccupied ground along the side of any road or an any public quay, jetty or landing place or on the bank of a water course or pond; or
(b) in any dust bin or vehicle not intended for the removal of the same; or
(c) in any vehicle or vessel intended for such removal except to ameliorate or to prevent the spreading of bad smell.

(2) Without prejudice to the generality of the provisions in sub section (1) no person shall deposit or cause to be deposited any building rubbish on any streets or on any public or private land without the previous permission of village panchayat:

Provided that, no permission shall be granted without paying the fee as determined by the village panchayat:

Provided further that, the secretary may, for reasons to be recorded in writing refuse to give such permission.

219 J. ***Prohibition of keeping filth on premises.*** **-** No owner or occupier of any premises shall keep or allow to be kept for more than twenty four hours any filth on such premises or in any building or on the roof thereof or in any outhouse or any place appurtenant thereto, or fail to comply with any requisition of the secretary as to the construction, repair paving or clearing of any latrine belonging to premises.

219 K. ***Prohibition against allowing outflow of filth:*** **-** No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises so as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of drain forming a portion of a street.

219 L. ***Prohibition of disposal of skin.*** **-**No person shall deposit the skin of a carcass or dispose of the carcass at a place other than that provided for the purpose.

219 M. ***Prohibition of using any cart without cover for the removal of filth etc.*** **-** No person shall, for the removal of filth use any cart or receptacle not having a proper covering for preventing the escape of the contents thereof or of the stench there from, or intentionally or negligently spill any filth while removing or fail to sweep and clean carefully the place any such filth has spilled or place or deposit in any public place any filth whether in a closed or open vessel or otherwise.

219 N. ***Prohibition of deposit of rubbish or filth in public places.*** **-** No person shall deposit or cause to be deposited any rubbish or filth or other debris into any public place not intended for deposit of rubbish or filth or debris.

219 O. ***Prohibition against causing nuisance in public streets etc.-*** No person shall cause any nuisance by relieving himself in any street, public place or public path or permit any person under his control to do so.

219 P. ***Presumption as to offender.*** **-** Where any rubbish, offensive matter trade refuse, special waste, hazardous waste or excrementatitious and polluted matter accumulated on any premises is deposited in any place in contravention of the provisions of this Act it shall be presumed unless the contrary is proved, that such contravention has been committed by occupier of such premises.

219 Q. ***The employees of village panchayat engaged in rubbish and solid waste management service prohibited from depositing waste at a place other than specified etc.-*** No employee of the village panchayat engaged in rubbish and solid waste management service shall throw or place any domestic waste, dust ashes, refuse, rubbish or trade refuse on any street or in any place not provided for the purpose or place or keep in any road any vehicle or carriage for the removal of solid waste excrementitious or

polluted matter or suffer the same to remain in any road or any greater length of time than it reasonably necessary.

219 R. ***Power to inspect premises for sanitary purposes. -*** The secretary or any officer authorised by him may at any time inspect any premises for the purpose of ascertaining the compliance of the provisions of this Act.

219 S. ***Punishment for depositing or throwing any rubbish or solid waste in contraction of the provisions of this Act. -*** Whosoever deposits or throws any rubbish, solid waste or carcasses in contravention of the provisions of this Act shall, on conviction, be punishable with fine which shall not be less than rupees fifty but may extend upto rupees two hundred and fifty.

220. ***Prohibition of constructions in or over public roads, etc. -*** Not-withstanding anything contained in this Act no person shall,

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;
(b) [174][Construct any building or structure other than a compound wall in any land abutting any National Highway, State High way, District roads or any other roads notified by the village panchayat within a distance of three metres from the boundary of his land abutting the road:

Provided that any addition whether over or on the sides of another building situated within the said three metres, at the time of coming in to force of this Act, shall be allowed subject to the limit of three metres and the rules made under this Act and such sanction shall be in such a manner than where an existing part of the building situated within three metres from the boundary abutting the road of the land on which such building is situated, is to be demolished in connection with the implementation of any town planning scheme, it shall not adversely affect the remaining part of the building or the new addition thereto and the sole responsibility regarding its security and strength shall be on the owner of the building and he shall produce a written consent to this effect along with the application.]

(c) make any hole or deposit any material in or upon any public road;
(d) work a quarry to remove stone, earth, rubble or other material from any place within twenty metres of a public road or of other immovable property vesting in or belonging to a Panchayat:

Provided that nothing in this clause shall be deemed to apply to any work which in the opinion of the village panchayat, is done in connection with a *bonafide* agricultural operation;

(e) erect any building over any sewer or drains or part thereof;
(f) plant any tree on any public road or other property vesting in or belonging to a village panchayat; or

[174] substituted by Act 13 of 1999.

(g) fell, remove, destroy, lop or strip, bark, leaves or fruits from, or otherwise damage, any tree which is growing on any such public road, other property, poramboke or land, the use of which is regulated by a village panchayat and the right of which has not been established by such person or vesting in or belonging to him.

221. ***Public markets*** **-** The village panchayat may, provide places, or use as public markets or close any such market or part thereof. All public markets within a village panchayat area shall be under the control and management of the village panchayat.

(2) Subject to such rules as may be prescribed, the village panchayat may parcel out any portion of a public market and lease such parcel or parcels by auction or otherwise or levy any one or more of the following frees in any public market at rates not exceeding the maximum prescribed, namely: -

(a) fees for the use of or for the right to expose, goods for sale in such market;
(b) fees for the use of shops, stalls, pens or stands in such market;
(c) fees on vehicles bringing any goods for sale in such market or on goods.
(d) fees on animals brought for sale into or sold in such market and
(e) licence fees on brokers, commission agents, weighmen and measurer practising their calling in such market.

[175][(3) Places used as a public markets shall be properly maintained by the village panchayat and no part thereof shall be used for any purpose other than those related to the functioning of the market.]

222. ***Licensing of private markets:*** **-** (1) No person shall open a new private market or continue to keep open a private market unless he has obtained a licence from the Village Panchayat to do so. such, licence shall be got renewed by the licensee every year.

(2) The village panchayat may, -

(a) grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.
(b) refuse renewal of a licence if it is satisfied that such refusal is justified in public interest.
(c) at any time suspend or cancel any licence granted under clause (a) for breach of any of the conditions thereof;
(d) modify the conditions of the licence to take effect from a specified date; and
(e) In a case where renewal of licence is refused under clause (b) the reasons therefor shall be intimated to the licensee and in case the licence cures such defects within the time prescribed such application shall be reconsidered.

(3) No market fee shall be charged in evening markets (Anthichanthas) and the licence for the same shall be granted free of charge, but shall be subject to such conditions as to

[175] Inserted by Act 13 of 1999.

supervision and inspections, sanitation and weights and measures to be used as may be prescribed.

(4) when a licence granted under sub-section (2) permits the licensee to levy any fee from the private market, a licence fee not exceeding one third of the gross income of the owner from the market in the preceding year shall be charged by the village panchayat:

Provided that in the case of a new market the licence fees shall be fixed by the Panchayat at rates which shall not be less than the amounts given hereunder, namely:-

(i) if the area of the market is not more than 0.1 hectare, rupees two hundred;
(ii) if the area is more than 0.1 hectare but less than 0.2 hectare, rupees four hundred;
(iii) and if the area is more than 0.2 hectare, rupees five hundred.

(5) The Village Panchayat or any officer duly authorised by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act after prior intimation.

223. ***Levy of fees by licensees of private markets. -*** The Licensee of a private market may, subject to such rules as may be prescribed, levy any one or more of the following fees in any private market at such rates not exceeding the maximum prescribed, namely: -

(a) fees for the use of or for the right to expose, goods for sale in such market;
(b) fees for the use of shops, stalls, pens or stands in such market;
(c) fees on vehicles bringing any goods for sale in such markets or on goods;
(d) fees on animals brought for sale into or sold in such market; and
(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

224. ***Prohibition of sale in unlicensed private markets, etc. –*** No person shall sell or expose for sale any animal or article. -

(a) in any public or licensed private market without the permission of a Village Panchayat or licensee, as the case may be, or of any person authorised by the village panchayat; or
(b) in any unlicensed private market.

225. ***Prohibition of sale in public roads. -*** The village panchayat shall by public notice prohibit the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

226. ***Prevention of person suffering from contagious diseases from entering markets. -*** The Village Panchayats in the case of public markets, and the licensee in the case of private markets, shall prevent the entry therein or expel there from any person suffering from any contagious or infectious disease and may expel there from any person who is creating a disturbance therein.

Public halting places

227. ***Public landing places and cart-stands, etc.*** **-** Subjects to such rules as may be prescribed, the village panchayat may –

(a) provide public landing places, halting places and cart-stands (including stands for animals and vehicles of any description) and levy fees for their use; and
(b) Where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance, thereof, any public place or the side of any public road as the panchayat may, subject to the control of the Regional Transport Authority, specify:

Provided that the previous sanction of the Regional transport Authority shall be obtained before any stand or halting place for motor vehicles is opened.

228. ***Private cart-stands.*** **-** (1) No persons shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the village panchayat a licence to do so. Such licence shall be got renewed by the licensee every year.

(2) The Village Panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion, as regards new private cart-stands, grant the licence applied for, subject to the payment of the prescribed fee and to such conditions as the Village Panchayat may think fit as to supervision and inspection, sanitation and such other maters as may be prescribed, or the village panchayat may refuse to grant such licence for any new cart-stand.

(3) The Village Panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The village panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The Village Panchayat may levy on every grant or renewal of a licence under this section a fee not exceeding two hundred rupees.

(6) The licensee of a private cart stand may levy fees at rates not exceeding the maximum prescribed.

Slaughter houses

229. ***Public slaughter houses.*** **-** (1) A Village Panchayat may provide places for use as public slaughter houses and charge such rents and fees for their use not exceeding the maximum as may be prescribed:

Provided that if any complaint with respect to the conduct of such slaughter houses has been received from the nearby residents, action for starting such slaughter houses shall be taken only after detailed examination of such complaint.

(2) The Village Panchayat may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

230. ***Licence for slaughter houses.*** **-** (1) The owner of any place within the village panchayat area which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of any carcasses shall in the first month of every year or in the case of a place to be newly opened one month before the opening of the same, apply to the [176][Village Panchayat] for a licence.

(2) The Village Panchayat may, by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Nothing contained in this section shall apply to the slaughter of animals in any concealed place without causing hardship to the public in the Village Panchayat area on occasions of festivals, marriage ceremonies, etc.

[177][230 A. ***Slaughter houses to be maintained properly.*** **-** Every public or licensed slaughter house, shall be maintained properly and waste materials there from shall be disposed of without causing nuisance to the public, where any violation of the conditions of agreement or licence leads to unhygienic condition of the slaughter house, the person concerned may on conviction, be punished with a penalty upto rupees five thousand and a further fine at the rate of rupees five hundred for each day on which the offence is continuing and in case such penalty is imposed continuously for ten days, action can be taken treating the licence as automatically cancelled.]

231. ***Slaughter of animals for sale as food and power of Inspection.*** **-**
(1) No person shall slaughter within the Village Panchayat area except in a public or licensed slaughter house any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the Village Panchayat or dry or permit to be dried any skin in such manner as to cause a nuisance. It shall be ensured that the said slaughter house is kept clean:

Provided that the slaughtered meat kept ready for sale as food shall not be sold except after inspection by the prescribed officers.

Explanation. **-** Nuisance for the purpose of this section includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right or any animal kept in such a place or manner as to be prejudicial to health.

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[176] Substituted by Act 13 of 1999.
[177] Inserted by Act 13 of 1999.

(2) No person shall exhibit or expose to public view, for sale or otherwise the carcass of animal, bird or fish (whether dressed or not) in any licensed premises or any other place in such a manner as to cause annoyance or offence to the sense of sight of the public.

(3) The President, Secretary or any officer authorised by the Government or by the village panchayat may without notice enter any place where meat or any other article of food is stored for sale and inspect such article.

Dangerous and offensive trades and factories

232. ***Purpose for which places may not be used without a license. -*** (1) The village panchayat may notify that no place in the Panchayat area shall be used for any of the purposes specified in the rules made in this behalf being purposes which in the opinion of Government, are likely to be offensive or dangerous to human life or health or property, without a license issued by the [178](Secretary) and except in accordance with the conditions specified in such licence:

Provided that no such notification shall take effect until the expiry of thirty days from the date of its publication.

[178] Substituted by Act 13 of 1999.

[179][21 { xxxx xxxx xxxx }

233. ***Permission for the construction of factories and the installation of machinery*** - (1) No person shall, without the permission of the village panchayat and except in accordance with the conditions specified in such permission, -

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power, or electrical power; or
(b) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plan exempted by the [180](provisions of this Act or the rules made there under).

[181][(2) An application for permission under sub-section (1) shall be submitted to the village panchayat addressed to the Secretary in such form and with such details as prescribed.

(3) The secretary shall, as soon as may be after the receipt of the application, enquire and report to the village panchayat as to whether the establishment of the factory, workshop or workplace or other installation of machinery or manufacturing plant for which permission is applied for is objectionable by reason of density of population in the neighbourhood and the possibility to cause nuisance or pollution and the village panchayat after having considered the application and the reports of the secretary, and of such other authorities as specified in sub-section (4) may as expeditiously as possible, at any rate within sixty days, -

(a) grant the permission either absolutely or subject to such conditions as it thinks fit to impose; or
(b) refuse the permission for the reasons to be recorded.

(4) Before granting or refusing permission under sub-section (3), the village panchayat, shall obtain and consider.

(a) a report of the Inspector of Factories appointed under the Factories Act, 1948 (Central Act 63 of 1948) or of an officer of the Industries Department not below the rank of an Industries Extension Officer having jurisdiction over the area regarding the adequacy of ventilation, light etc. and sufficiency of the height and size of the rooms and doors and the suitability of exists to be used in case of fire in the plan of factories, workshop workplace or premises if they came within the purview of the Factories Act, 1948 (Central Act 63 of 1948) and such other matters as may be prescribed ;
(b) a report of the District Medical Officer regarding the possibility of nuisance or pollution of the connected load of the machinery proposed to be installed exceeds

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[179] Omitted by Act 13 of 1999.
[180] Substituted by Act 13 of 1999.
[181] Added by Act 13 of 1999.

25 HP or if the nature of the machinery and installation are such that it may cause nuisance or pollution; and

(c) a report of the Divisional Fire Officer or any other officer authorised by him regarding the adequacy of fire prevention and fire fighting measures planned if the proposed industry involves the use of high tension power or inflammable or explosive materials;

Provided that, no report under clause (b) shall be called for in respect of any industry if the applicant produces a declaration recommended by an officer of the Industries Department authorised in this behalf or by the Kerala State Pollution Control Board to the effect that such industry would not cause pollution.

(5) The grant of permission under this section, -

(a) Shall be subject to the conditions to be observed in respect of the replacement of machinery the levy of fees and to such restrictions and conditions as may be prescribed;
(b) Shall not be deemed as exempted from observing the provisions contained in section 235 (F) and 235 (H) or 235 (P) and 235 (Q).]

[182][233A. ***Abatement of nuisance caused by factory, workshop etc. –***

(1) Where any factory, workshop, workplace or machinery causes, in the opinion of the village panchayat nuisance by reason of a particular kind of fuel being employed or by reason or the noise or vibration created, or effluent discharged or by reason of noxious odour, smoke or dust omitted, the secretary may direct the person in charge of such factory, workshop, workplace or machinery for the abatement of such nuisance within a reasonable time to be specified for that purpose.

(2) The village panchayat may, if required, obtain expert opinion with regard to the determination of the nuisance or its abatement, at the cost of the owner or person in charge of the factory, workshop, workplace or machinery concerned.

(3) Where there has been wilful default in carrying out a direction given under sub-section (1) or where in the existing circumstances the abatement of nuisance is found impracticable, the secretary may prohibit the working of the factory workshop, workplace or machinery till such time the person concerned takes necessary steps to the satisfaction of the secretary for the abatement of the nuisance.

233 B. ***Exemptions: -*** Notwithstanding anything contained in section 233, no permission of village panchayat shall be required for the installation of establishment of the following machinery or manufacturing plants or industrial units, as the case may be, namely: -

(a) Electrical and non-electrical appliances and machinery intended to be used for domestic purposes or personal comfort;
(b) Electrical and non-electrical installation installed for agricultural purposes ;

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[182] Added by Act 13 of 1999.

(c) Normally unattended static transformer stations, co-denser stations and rectifier stations;
(d) Portable drilling machines and portable engines used for constructions purpose such as concrete mixers;
(e) Machinery installed at a workshop or workplace attached to an educational institution or for scientific purposes;
(f) Installations of the Kerala State Electricity Board for generation or transmission of electricity;
(g) Installation of the Kerala Water Authority for supply of drinking water and sewerage;
(h) Industrial units with machinery having capacity of less than 5 H.P., which is certified by the Industries Department of the Government or the Kerala State Pollution Control Board to be non-polluting industry;
(i) Industrial units, industrial estate, industrial development area, industrial development plot, industrial growth centre, export processing zone, or industrial park declared as such by the Government controlled agency:

Provided that the owner of any industrial unit specified under item (h) and (i) shall register the unit with the village panchayat concerned on remission of the fee prescribed.

233C. ***Consultation with the panchayat for opening Government industrial estate, industrial development area etc. –*** (1) The village panchayat shall be consulted before opening an industrial estate industrial development area, industrial development plot, industrial growth centre, export processing zone or industrial park by the Government or an agency controlled by Government.

(2) So far as the industrial units specified under item clause (h) of section 233B are concerned, the provisions of section 235 F and 235 H or sections 235 P and 235 Q, as the case may be, shall be complied with.]

234. ***Power of Government to make rules in respect of the grant and renewal of licences and permissions. -*** (1) The Government may make rules, –

(a) prohibiting or regulating the grant or renewal of licences under section 232 and the period for which such licences shall be valid;
(b) as to the time within which application for such licences or renewals thereof shall be made; and
(c) prohibiting or regulating the grant of permission under section 233.

(2) Rules made under clause (c) of sub-section (1) may empower the village panchayat to set apart specified places in the panchayat area for industrial purposes and provide for the refusal of permission under section 233 in respect of any factory, workshop, workplace or premises outside such places and also for the removal to such places of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises situated outside the specified places :

Provided that no such rule shall authorise the removal of any factory, workshop or workplace or machinery installed in any premises in the occupation or under the control of the Central or State Government or of a Market Committee established under the Madras Commercial Crops Markets Act, 1933 or any other law.

[183][(3) x x x x]

[184][234A. - ***Vesting of the existing water supply and sewerage services under the water authority with the panchayat.*** **-** (1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law from such date, on the Government may by notification in the gazette appoint, in respect of the Water Authority before such date and intended for the benefit of the panchayat at any level and situated within its area, -

(a) all plants, machinery, water works, pumping station and all buildings and land thereto and all works, implements, stores, goods, implementation of works, management of water supply, distribution, levy and collection of water charge in connection therewith and is situated upon any public street, or through it or over or under it, as the case may be, within the area of the panchayat at any level including all assets and other facilities shall vest in the panchayat specified in the notification and shall stand transferred to that panchayat ; and

(b) the collection of arrears of sewage charge, water charge and meter charge and arrears of any expense or fees in connection with water supply and sewerage, and all rights, liabilities and obligations of the water authority even if arisen from any contract or otherwise related to the said authority shall be the rights, liabilities and obligations, as the case may be, of the panchayat specified in the notification.

(2) The assets, rights liabilities and obligations in sub-section (1) shall be valued in the manner specified by the Government and shall be furnished to the Water Authority by the panchayat concerned.

(3) If any doubt or dispute arises as to the vesting of any property or asset in the panchayat or any right, liability or obligation, has become that of the panchayat such doubt or dispute shall be referred to the Government and the decision of the Government thereon shall be final and the water authority and the panchayat concerned shall be bound to implement the decision.

(4) In order to continue to get the services in connection with the properties, assets, water supply and sewerage to a panchayat to which such services have been transferred under sub-section (1) sufficient number of Employees of the Water authority as may be decided by the Government shall be deployed to the concerned panchayat.

(5) If a notification is issued by the Government under sub-section (1), all powers and rights of the Water Authority under the Kerala Water supply and Sewerage Act, 1986 (14

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[183] Omitted by Act 13 of 1999.
[184] Added by Act 13 of 1999.

of 1986) within the area of the said panchayat shall cease to exist from the date specified in the notification and all such powers and rights shall vest in the concerned panchayat.

234B. ***Administrative powers of the panchayat in respect of the existing water supply and sewerage schemes. -*** (1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law, the maintenance and administration of the water supply and sewerage schemes which cannot be vested in and transferred to the panchayat under section 234A and is beneficial to the residents within the area of more than one Local Self Government Institutions shall vest in the committee to be constituted by the Government for the purpose.

(2) In the committee referred to in subsection (1), -

(a) Chairpersons of the respective municipalities;
(b) Presidents of the respective panchayats;
(c) The Senior Engineer of the water authority of the related project who shall be its Secretary and Convenor; shall be its members and chairperson or President of that Local Self Government Institution to which the related scheme is more beneficial shall be the chairman of the committee.

(3) The water authority shall provide the fund and services of the employees necessary for the exercise of powers and functions of the committee.

234 C. ***The power of the panchayat in the preparation and execution of schemes related to water supply and sewerage works. -*** (1) Notwithstanding anything contained in the Kerala Water supply and Sewerage Act, 1986 (Act 14 of 1986), the respective panchayat shall have the right and power to prepare and implement water supply or sewerage scheme within the area of a panchayat.

(2) When the Water supply schemes and sewerage schemes are prepared in accordance with sub-section (1) and if it is beneficial to the residents of more than one village panchayat area, it shall be prepared and implemented by the concerned Block Panchayat and if it is beneficial to the residents of more than one block panchayats such schemes shall be prepared and implemented by the district panchayat concerned;

Provided that the provisions of this section shall not affect the preparation and implementation of such schemes by more than one panchayat among themselves.

(3) The panchayats preparing and implementing the water supply and sewerage schemes in accordance with sub-section (1) may collect water charges and sewerage service charges from the beneficiaries in the manner prescribed.]

CHAPTER XXI
[185][BUILDINGS]

{ [186]xxxxx
xxxxx
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[187][235. ***Numbering of buildings.*** - (1) The Secretary of the village panchayat may in any area, where this Act is applicable, affix a number of a particular size and form on the side or outer door of any building or on any place at the entrance to the compound.

(2) No person shall without any legal authority, destroy, remove or wipe out any such number affixed on any building in any such area.

(3) When a number is affixed under sub-section (1) the owner of the building is liable to keep it up and renumber in case it is removed or faded away and if he defaults in doing so, the Secretary may, by notice, require him to put the number again.

235 A. ***Building Rules.*** - (1) The Government may make rules, -

(a) for the regulation or restriction of the use of sites for the construction of building;
(b) for the regulation and restriction of building construction.

(2) Without prejudice to the generality of the powers conferred by clause (a) of subsection (1), rules made under that clause may provide that -

(a) no unhealthy or dangerous site shall be used for building construction;
(b) no site shall be used for the construction of a building intended for public worship, if the construction thereon will wound the religious feelings of any class or persons.

(3) Without prejudice to the generality of the powers conferred by clause (b) of sub section (1), rules made under that clause may provide for the following matters namely: -

(a) information and plans to be submitted along with the application for permission to construct a building;
(b) height of buildings irrespective of or relative to the width of streets;
(c) ground level and width of foundation of the ground floor and stability of structure;
(d) number of storeys and height of the building and the height of rooms;
(e) provisions for sufficient open space inside or outside and adequate means of ventilation;
(f) provision for exit in case of fire;
(g) provisions for secondary means of access for the removal of filth;
(h) materials and methods of construction of external and partition walls, roofs and floors;

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[185] Substituted by Act 13 of 1999.
[186] Omitted by Act 13 of 1999.
[187] Added by Act 13 of 1999.

(i) place, materials and methods of construction of hearths, smoke escapes, chimneys, staircases, latrines, drains and cess pools;
(j) paving yards; and
(k) restrictions on the use of inflammable materials in the building.

235 B. ***Building site and construction or reconstruction of building.*** - No part of the land shall be used as a site for the construction of a building and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this part and of any rules or bye-laws made under this Act relating to the use of building sites or the construction or reconstruction of buildings.

235C. ***Power of village panchayat to regulate further construction of certain classes of buildings in particular streets or localities.*** - (1) (a) The village panchayat may issue public notice of intention to declare in any area or areas mentioned in the notice, that, -

(i) continuous building shall be allowed;
(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features, be such as the village panchayat may consider suitable to the locality; or

(b) that in any locality specified in the notice, the construction of only detached building shall be allowed; or

(c) that in any road portion of road or localities specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character of buildings destined for particular use shall not be allowed without the special permission of the village panchayat.

(2) No objection to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The village panchayat shall consider all objections received within the said period and may modify or confirm the declaration and the modification shall not be so as to extend its effect.

(4) The Secretary shall publish any declaration so confirmed which shall take effect from the date of its publication.

(5) No person shall, after the date of publication of the declaration under sub-section (4), construct or reconstruct any building in contravention of such declaration.

235 D. ***Building at corner of street.*** - A village panchayat may require any building intended to be erected at the corner of two roads to be rounded off or splayed off such height and extend as it may determine and may acquire in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1984) such portions of the site at the corner as it may consider necessary for public convenience or amenity.

235 E. ***Prohibition of construction of doors, ground floor, windows and bars so as to open outwards. -*** Any door, gate, bar or ground floor, windows which opens outwards to any public road shall not be constructed or re-constructed.

235 F. ***Application to construct or reconstruct buildings. -*** (1) Where any person intends to construct or re-construct a building other than a hut within a village panchayat area he shall send to the Secretary. -

(a) an application in writing together with a site plan of the land for the approval of the site and
(b) and application in writing together with a ground plan, elevation and sections of the building and specification of the work for permission to execute the work.

Explanation. **-** Building in this sub-section shall include a wall on the boundary of the public street or any height abutting any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under the rules or bye-laws made under this Act.

235.G. ***Requirement of prior approval of site. -***The Secretary shall not grant permission to construct or reconstruct a building unless and until he has approved the site on an application made under section 235 F.

235 H. ***Prohibition of commencement of work without permission. -*** The construction or re-construction of a building shall not be commenced unless and until the Secretary has granted permission for the execution of the work.

235 I. ***Period within which approval or disapproval shall be intimated. -*** Within thirty days after the receipt of an application made under section 235 F for approval of a site or of any information, or further information required under any rules or byelaws, the Secretary shall by an order in writing either approve or refuse to approve the site and shall intimate the fact to the applicant.

235. J. ***Period with in which Secretary is to grant or refuse to grant permission to execute work. –*** Within thirty days after the date of receipt of an application made under section 235F for permission to execute any work or of any information or of document or further information or documents required under any rules or bye-laws, made under this Act, the Secretary shall by an order in writing either grant or refuse to grant such permission on any of the grounds mentioned in section 235L and shall intimate the fact to the applicant in writing:
Provided that the said period of thirty days shall not commence until the site has been approved under section 235 I.

235 K. ***Reference to village Panchayat where Secretary makes delay in granting or refusing approval or permission. -*** (1) Where, within the period specified in section 235 I or 235 J, as the case may be, the Secretary has neither given nor refused approval of a building site, or permission to execute any work, as the case may be, the Village

Panchayat shall be bound on the written request of the applicant, to determine whether such approval or permission should be given or not.

(2) Whether the village panchayat does not, with in one month from the date of receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given, and the applicant may proceed to execute the work. But it shall not be so as to contravene any of the provision of this Act or any rules or bye-laws made thereunder.

235 L. ***Grounds on which approval of building site or permission to construct or re-construct a building may be refused. -*** (1) The grounds on which approval of site or permission to construct or re-construct a building shall be refused are the following namely: –

(i) that the work or use of the site of the work or any of the particulars comprised in the site plan, ground plan, elevations, sections or specifications would contravene any law, or any order, rule, declarations, or bye-law made under any law;

(ii) that application for the permission does not contain the particulars or is not prepared in the manner required by any rule or bye-law made under the Act;

(iii) that may of the documents specified in section 235 F has not been signed as required by rules or bye-laws made under this Act;

(iv) that any information or document required by the Secretary under rules or bye-laws made under this Act has not been duly furnished;

(v) that the proposed building would be an encroachment upon a land belonging to the Government or the Village Panchayat; or

(vi) that the land is under acquisition proceedings.

(2) No application for approval of a building site or for permission to construct or re-construct a building shall be refused with out stating the reasons for such refusal.

235 M. ***Lapse of Permission. -*** Where the construction or reconstruction of a building is not completed within the period specified in the permission, the permission shall lapse unless an application for extension of time is made before the expiry of the period specified.

235 N. ***Power of Secretary to require alteration in work. -*** (1) Where it comes to the notice of the Secretary that, a work –

(a) is not in accordance with the plans or specifications approved, or
(b) is in contravention of any of the provisions of this Act or any rule, bye-law, order of declaration made there under, he may, by notice, require the person for whom such work is done, -

(i) to make such alteration as may be specified in the said notice to bring the work in conformity with the plans or specification approved or the provisions so contravened; or

(ii) to show cause why such alteration should not be made, within such period as may be specified in the notice:

Provided that any construction made in deviation from such approved plan or specifications may not be required to be altered unless it contravenes any specifications or provisions mentioned in this Act or building rules made thereunder.

(2) Where such person does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) Where such person shows sufficient cause as aforesaid, the Secretary shall, by order confirm, modify or cancel the notice issued under sub-section (1).

235 O. ***Stoppage of construction or reconstruction endangering human life. -*** Notwithstanding anything contained in any of the foregoing provisions in this chapter, the Secretary may, at any time, stop the construction or reconstruction of any building if, in his opinion, the work in progress is dangerous to human life.

235 P. ***Application to construct or re-construct huts. -*** (1) Every person who proposes to construct or re-construct a hut in any land lying adjacent to the roads referred to in clause (b) of section 220, with in a Village Panchayat area shall send to the Secretary, -

(a) a site plan of the land, and
(b) an application for permission to execute the work.

(2) Every application and plan under sub-section (1) shall contain such particulars and be prepared in such manner as required by the rules or bye-laws made under this Act.

235 Q. ***Prohibition of commencement of work without permission. -*** No person shall, commence the construction or re-construction of a hut without permission in any land referred to in section 235 P.

235 R. ***Period within which Secretary is to grant or refuse to grant permission to execute the work. -*** The Secretary shall within fourteen days after the date of receipt of an application under section 235 P, or any information or plan or further information or fresh plan required under the rules or bye-laws made under this Act, by an order in writing either grant the permission or refuse the permission on any of the grounds mentioned in section 235T.

235 S. ***Reference to Village Panchayat where Secretary causes delay in passing orders. -*** (1) Where with in the period specified in section 235 R the Secretary has neither granted nor refused to grant permission to construct or re-construct a hut, the Village Panchayat shall be bound on the written request of the applicant to determine whether such permission should be granted or not.

(2) Where the Village Panchayat does not, within thirty days from the date of receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted and the applicant may proceed to

execute the work but not so as to contravene any of the provisions of this Act or any rules or bye laws made there under.

235 T. ***Grounds on which permission to construct or re-construct hut may be refused. -*** (1) The grounds on which permission to construct or re-construct a hut may be refused are the following, namely: -

(i) that the work or use of the site for the work would contravene the provisions of any law or any order, rule, bye-law or declaration made under, such law;

(ii) that the application for permission does not contain the particulars or are not prepared in the manner required by any rule or bye-law made under this Act;

(iii) that any information or plan required by the Secretary under the rules or bye-laws made under this Act has not been duly furnished;

(iv) that the proposed hut would be an encroachment upon the land belonging to the Government or the Village Panchayat

(2) No application for permission to construct or re-construct a hut shall be refused without stating the reasons for such refusal.

235 U. ***Lapse of Permission. -*** Where the construction or reconstruction of a hut is not completed within the period specified in the permission, such permission shall lapse unless an application for extension of time is made before the expiry of the period specified.

235V. ***Application of the Provisions to alteration and additions. –*** The provisions of this Act and of any rule or bye-law made thereunder relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that repair works using materials of the same nature and value to keep the building as such without enhancing its value and without changing its occupancy and use and which do not affect the position or dimension of a building or any room therein shall not be deemed to be an alteration or an addition for the purpose of this section changing of roof or construction of walls by using a different material and other similar works which enhance the value of the building to any extent will not be treated as repair but as a new construction.

235 W. ***Demolition or alteration of building works unlawfully commenced, carrying on or completed. -*** *(1) Where the Secretary is satisfied that –*

(i) the construction, or reconstruction or alteration of any building -

(a) has been commenced without obtaining the permission of the Secretary or in contravention of the decision of the village panchayat; or

(b) is being carried on, or has been completed otherwise than in accordance with the plans specifications, or information on which such permission or decision was based; or

(c) is being carried on, or has been completed in contravention of any of the provisions of this Act or any rule or bye-law or order made or issued there under or any direction or requisition lawfully given or made under this Act, such rule, bye-law or order; or

(ii) any alteration required by notice issued under section 235 N, has not been duly made; or

(iii) any alteration of or addition to any building or any other work made or done for any purpose in or upon any building has been commenced or is being carried on or has been completed in contravention of the provisions of section 235-V, he may make a provisional order requiring the owner or the persons for whom the work is done, to demolish the work done, or any part of it as, in the opinion of the Secretary, has been unlawfully executed or to make such alteration as may be necessary to bring the work in conformity with the provisions of this Act, bye-laws, rules, direction, order or requisition as aforesaid, or with the plans and specifications on which such permission or decision was based, and may also direct that until the said order is complied with, the owner or such person shall refrain from proceeding with the work

Provided that the Secretary may, on realisation of a compounding fee as may be fixed by government, regularise any construction, re-construction, or alteration of the building, commenced, carried on or completed, without getting a plan approved by the Secretary or in deviation of the plan approved by him, if such construction or alteration of the building does not contravene any of the criteria or specifications mentioned in the Act or the rules made there under.

(2) The Secretary shall serve a copy of the provisional order made under sub-section (1) on the owner or the persons for whom such work is done together with a notice requiring him to show cause with in a reasonable time, to be specified in such notice, why the order should not be confirmed.

(3) where the owner or the person for whom the work is done fails to show cause to the satisfaction of the Secretary, the Secretary may confirm the order or modify the order to such an extent as he may think fit to make and such order shall then be binding on the owner or the person for whom the work is done and on the failure to comply with the order, the Secretary may himself cause the building or part thereof, demolished, as the case may be, and expenses thereof shall be recoverable from the owner or such person.

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), prosecution proceedings may be initiated against the owner or the person for whom the work is done.

(5) Where the Government is satisfied that the construction, re-construction or alteration of any building has been carried out in violation of any of the provisions of this Act or any rule made there under or any direction lawfully given by the Government or Secretary, the Government may direct the Secretary of the Village Panchayat to cause the demolition of such construction, re-construction or alteration and if such direction is not

complied within the time limit specified in such direction, the Government may arrange its demolition and the cost there of shall be recovered from the Village Panchayat.

235. X. ***Order of stoppage of Buildings or works in certain cases. -*** (1) Where the erection of any building or the execution of any work has been commenced or is being carried on (but has not been completed) without obtaining the permission of the Secretary or in contravention of any decision of the Village Panchayat or any of the provisions of this Act or any rule or byelaw made there under or any lawful direction or requisition given or made under this Act, or the rules or byelaws, the Secretary may without prejudice to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on, to stop the same forthwith.

(2) Where such order is not complied with, the Secretary may require any Police Officer to remove such person and all his assistants and workmen from the premises within the specified time on such application and the police officer will have to act accordingly.

(3) After complying with the requisition under sub-section (2), the secretary may, if he thinks fit, require in writing the assistance of a Police Officer or dispute by a written order an officer or employee of the Village Panchayat to watch the premises in order to ensure that the construction of the building or the execution of the work is not continuing and the cost thereof shall be paid by the person at whose instance such construction or execution was being continued or to whom notice under sub-section (1) was given, and shall be recoverable from such persons as arrears of property tax under this Act.

235 Y. ***Certain buildings or sheds exempted. -*** Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house; meter house, not being a dwelling house, or sheds which are used exclusively for keeping fuel, or fire wood for the domestic use of its owner or for keeping agricultural implements, tools, rubbish or other materials or for watching crops or kennel shed intended to keep not more than four dogs or cattle shed intended to keep not more than four cattles and its one calf each or poultry shed intended to keep not more than twenty hen, duck etc. or any other shed of temporary nature shall stand exempted from the provisions other than Sections 220 B and 235 E :
provided that the said building or sheds shall be at a distance of at least one metre from any boundary of land on which it is constructed.

235 Z. ***Penalty for unlawful construction of building. -*** (1) Where the construction, re-construction or alteration of any building,

(a) is commenced without the permission of the Secretary; or
(b) is carried on or completed otherwise than in accordance with the particulars on which such permission is based; or
(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or bye-law made there under or of any direction or requisition lawfully given or made; or
(d) about which alteration or addition required by notice issued under section 235 N- is not duly made; or

(e) about which any person to whom a direction, given by the Secretary under section 235 W, fails to obey such direction; the owner of the building or such person, as the case may be, shall, on conviction be liable to a fine which may extend to rupees ten thousand in the case of a building and to rupees one thousand in the case of a hut and to a further fine of rupees one thousand in the case of a building and rupees ten in the case of a hut for each day of continued offence:

Provided that the construction or reconstruction of the building may be regularised under section 235 W and if so regularised by the secretary, no person shall be made liable for conviction under this sub-section.

(2) Where the violation of any stipulation as to the standard or specification mentioned in any of the provisions of this Act or any rules made there under or any lawful directions in respect of the construction of a building poses threat to public safety or danger to human life, the owner or the builder of such building shall on conviction be punishable with imprisonment for a term which may extent up to one year.

235 AA. ***Property tax to the building constructed unlawfully.*** **-** (1) Where any person has unlawfully constructed or re-constructed any building, such building shall, without prejudice to any action that may be taken against that person, be liable to property tax from the date of completion or occupation whichever is earlier, till the date of demolition of that building.

(2) Nothing contained in sub-section (1) shall preclude the Secretary from proceeding against a person under section 235 W- and no one shall be entitled to compensation or damages due to any action, taken by the Secretary under this section.

235 AB. ***Power to regularise the unlawful building construction.*** **-** (1) Not with standing any thing contained in this Act, if any person or institution unlawfully developed any land or constructed any building on or before 31st December 1998, the Government may, on realisation of a compounding fee as prescribed, regularise such land development or building construction:

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 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 there under.

(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 for which the Secretary shall have no power to regularise under section 235 W of this Act or any construction or re-construction done in contravention of the provision of this Act or the building rules made there under or in contravention of any approved plan or any construction done in deviation of any exemption order sanctioned by the Government or any conditions specified therein.

CHAPTER XXI A
[188][GENERAL AND MISCELLANEOUS]

Licenses and Permissions

236. ***General provisions regarding licenses and permissions.*** **-** (1) Save as otherwise expressly provided in, or may be prescribed under this Act, every application for any licence or permission under this Act or any rule or byelaw made there under or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year of such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission fees may be charged on such units and at such rates as may be fixed by the Village Panchayat with due regard to the expenditure to be incurred for rendering service to the trade and for the regulation of the trade, for which the licence or permission is granted.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the Secretary the application shall be deemed to have been allowed for the period, if any for which it would have been ordinarily allowed and subject to the law, rules and bye-laws and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission or in a manner inconsistent with the terms of the licence or permission obtained, then –

(a) The Secretary may, by notice require the person so doing such act to alter, remove or as far as practicable restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and [189][shall, so require if directed by the Village Panchayat;]

(b) If no penalty has been specifically provided in this Act for so doing such act the person so doing it shall be punishable with fine not exceeding one thousand rupees and with such higher rate of fine in case of repetition of offence and after three offences much severer punishment [190][“may be awarded or prosecution proceeding may be initiated as the Panchayat may deem fit”]

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[188] Substituted by Act 13 of 1999.
[189] Added by Act 13 of 1999.
[190] Substituted by Act 13 of 1999.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the village panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the village panchayat such amount, if any as he may fix as the costs of the prosecution.

Explanation. **-** The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

(7) Every order of the Secretary granting or refusing a licence or permission shall be published on the notice board of the village panchayat.

[191][* * * *]

(8) Every order of the Secretary refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(9) Any licence or permission granted under this Act or any rule made under it may at any time be suspended or revoked by the Secretary, if any of its restrictions limitations or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of the provisions of the Act or of any rules made under it in any matter to which such licence or permission relates or if the grantee has obtained the same by misrepresentation or fraud.

(10) It shall be the duty of the Secretary to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law or rules, any condition of a licence or permission or any lawful direction or prohibition is contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the secretary or any person to whom he has lawfully delegated his powers or by any force necessary for effecting an entrance under this sub-section.

(11) When any licence or permission is suspended or revoked or when the period for which it was granted, or within which application for renewal should be made, has expired, whichever expires later, the grantee shall for all purposes of this Act or any rule made under it be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled or, subject to sub-sections (3) and (4), until the licence or permission is renewed, as the case may be.

(12) Every grantee of a licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same when required by the secretary.

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[191] Omitted by Act 13 of 1999.

[192][(13) Notwithstanding anything contained in the provisions of this section, no licence or permission under this Act shall be granted to any person who has defaulted payment of any tax, fees or other dues payable to the Village Panchayat.]

237. ***Government not to obtain licence and permission.*** **-** Nothing in this Act or in rule or bye-law made there under shall be construed as requiring any State Government or the Central Government to take out a licence in respect of any place in the possession or under the control of or any property belonging to such Government.

Notice, Orders, Permission etc.

238. ***Precautions in case of dangerous trees and pruning of hedges and trees.*** **-** (1) (a) If any tree or any branch or portion of a tree or the fruits of any tree be deemed by the village panchayat to be likely to fall and thereby endanger any person or any structure or any cultivation, the Village Panchayat may by notice require the owner of the said tree to secure, lop or cut down the said tree or remove the fruits thereof so as to prevent any danger there from.

(b) If immediate action is necessary, the village panchayat shall itself before giving such notice or before the period of such notice expires secure, lop or cut down the said tree or remove the fruit thereof fence off a part of any street or take such other temporary measures as it thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the same manner as an arrear of public revenue due on land.

[193][(c) If any tree or the branch thereof in the opinion of the village panchayat, causes pollution to the drinking water of a well or tank, the village panchayat may, by notice, require the owner of such tree to cut down and remove such tree or branch thereof.]

(2) The Secretary of a village panchayat may without notice. -

(a) trim or prune any hedge bordering on a public street so that it may not exceed such height from the level of the adjoining roadways as may be provided for this purpose; or
(b) cut and trim any hedge or tree overhanging the said trees and obstructing it or the view of traffic or causing damage to it; or
(c) remove fallen trees on public roads and waterways which obstruct traffic.

239. ***Power of Panchayat for carrying out their functions.*** **-** (1) A Panchayat shall exercise all the powers conferred on, and perform all the functions entrusted to that Panchayat by or under this Act or any other law and shall also exercise such other powers and perform such other functions as may be conferred on or entrusted to it by the Government for carrying out the provisions of this Act.

(2) A Panchayat shall have power to do all acts necessary for and incidental to, carrying out the functions entrusted or delegated to it.

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[192] Inserted by Act 13 of 1999.
[193] Ibid.

(3) Without prejudice to the generality of the foregoing power, a village panchayat shall have power, -

(a) to require by notice, the owner or occupier of any land or building which is a nuisance to the neighbourhood on account of -

(i) its insanitary conditions; or
(ii) the collection of any drainage, filth or stagnant water thereon; or
(iii) the existence of will or noxious vegetation thereon; or
(iv) the presence of poisonous reptiles or other harmful animals or insect.

(b) to take such action as it deems necessary to abate the nuisance within a reasonable period to be specified in such notice;

(c) to prohibit the use of the water of any stream, well, pond or any other excavation believed to be dangerous to public health; and

(d) to regulate or prohibit the watering of cattle or bathing or washing in any stream, well, pond or other excavation reserved for drinking water.

Notices etc.

240. ***Form the notices and permissions time for complying with notices, orders etc. and powers to enforce them.*** **-** (1) All notices and permissions given issued or granted as the case may be, under the provisions of this Act shall be in writing and be signed by the Secretary of the Panchayat concerned.

(2) Whenever by any notice, requisition or order under this Act or under any rule or bye-law made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be fixed in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(3) If such notice, requisition or order is not complied within the time so fixed -

(a) the Secretary, may, with the approval of the Panchayat concerned, cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order; and the cost incurred by the panchayat in this connection may be recovered from the owner or occupier of the premises in the same manner as if the same were taxes due to the Panchayat; and

(b) if no penalty has been specifically provided in this Act fob failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding five hundred rupees for every such offence.

Powers of entry and inspection

241. ***Powers of entry and inspection.*** **-** (1) Subject to such restrictions and conditions as may be prescribed, the Secretary of a Panchayat or any person authorised by him or by

the Panchayat may enter on or into any place, building or land, with or without assistants or workmen in order –

(a) to make any inquiry, inspection, test examination, survey, measurement or valuation or to execute any other works which is authorised by the provisions of this Act or of any rule or bye-law or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions; or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

Provided that –

(i) no such entry into a building shall be made between sunset and sunrise.

(ii) no dwelling house or place shall be so entered except with the consent of the occupier thereof or without giving the occupier at least twenty-four hours notice of the intention to make such entry;

(iii) reasonable opportunity and facility shall be allowed to the women occupying any part of a dwelling house to withdraw; and

(iv) due regard shall, so far as feasible, be paid to the social and religious customs and usages of the occupants of the premises entered into.

(2) It shall be lawful for any officer authorised by the Secretary or by the Panchayat to open or cause to be opened any door, gate or other barrier to made any entry into any place -

(a) if he considers the opening thereof necessary for the purpose of such entry; and
(b) if the owner or occupier is absent or, being present, refuse to open such door, gate or barrier.

(3) Before making any entry into any such place or opening of causing to be opened any such door, gate or other barrier under sub-section (2), the person authorised in this behalf shall call upon two or more persons of the locality in which the place to be entered into is situated to witness the entry or opening and may issue an order in writing to them or any of them so to do.

242. ***Power to call for information from village officers.*** **-** (1) The Secretary of a Panchayat may, with the approval of the Panchayat by an order in writing require the village officer of any revenue village in the Panchayat area to furnish him with the information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein and every such order shall be complied with by the village officer.

(2) The order shall specify the period within which it may be complied with, and it shall be complied within the time specified and if not, the Secretary shall not extend such time limit more than once.

Limitation

243. ***Limitation for recovery of dues.*** **-** (1) No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a Panchayat under this Act or any rule or bye-law, or order made under it after the expiration of a period of three years from the date on which the distraint might first have been made, a suit might first have been instituted or the prosecution might first have been commenced, as the case may be, in respect or such tax or sum:

[194][Provided that in the case of assessment under sub-section (2) the above said period of three years shall be computed from the date on which destraint, suit or prosecution might first have been made, instituted or commenced, as the case may be, after making such assessment.

(2) Notwithstanding anything contrary to this contained in this Act or the rules made there under, where for any reason, a person liable to pay any tax or fees leviable under this Act has escaped assessment, the Secretary may at any time within four years from the date on which such tax should have been assessed, serve on him a notice assessing the tax or fee due and demand the payment within fifteen days from the date of serving such notice and thereupon the provisions of this Act and the rules made there under shall apply as if the assessment of such tax or fee was made in time.

(3) Where any tax or other amount due to a panchayat has been barred by limitation under sub-section (1), due to the default of taking steps at the appropriate time and it is found in a lawful enquiry that it was lost due to the default of any officer or offices, the amount so lost to the panchayat shall be realised with twelve percent interest thereon from such officer or officers.]

244. ***Writing of irrecoverable amounts.*** **-** Subject to such restrictions and control as may be prescribed, a Panchayat may write of any amount whatsoever due to it whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such amount or sum is irrecoverable:

Provided that where the Government are responsible for the collection of any amount due to the Panchayat, the power to write off such amount payable in connection therewith on the ground of its being irrecoverable shall be exercised by or only with the sanction of the Government.

Prosecutions, suits etc.

245. ***Persons empowered to prosecute.*** **-** (1) Save as otherwise expressly provided in this Act, no person shall be tried for an offence against this Act or any rule or bye-law made thereunder unless complaint is made within one year of the commission of the offence by

[194] Added by Act 13 of 1999.

the police, the Secretary or a person expressly authorised by the Panchayat in this behalf, but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1973. (Central Act 2 of 1974) in regard to the power of certain Magistrate to take cognizance of offences upon information received or upon their own knowledge of suspicion:

Provided that failure to take out a licence or obtain permission under this Act shall, for the purpose of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required.

(2) Every person other than the Secretary making a complaint shall immediately report the fact to the Secretary.

246. ***Composition of offence.*** **-** The Secretary of a panchayat may, subject to such restrictions and control as may be prescribed, compound any offence against this Act, or any rule or bye-law made thereunder, which may by rules be declared compoundable with the approval of the President.

247. ***Prosecutions and compositions to be reported to Panchayats.*** **-** Every Prosecution instituted or offence compounded by the Secretary shall be reported by him to the Panchayat at its next meeting and its approval secured.

248. ***Sanction for prosecution of President, Vice-president, Chairman of a Standing Committee, members and Secretary of a Panchayat.*** **-** When the President, Vice-President, Chairman of a Standing Committee or any member of a Panchayat, or the Secretary or other employee of the Panchayat who is not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of Government.

249. ***Institutions of suits against authorities of Panchayats, their officers etc.*** **-** (1) No suit or other civil proceedings against a Panchayat or against the President, the Vice-President or any other member, or employee thereof or against any other person acting under the direction of the Panchayat or any member or employee thereof for anything done or purporting to be done under this Act in its or his official capacity, -

(a) shall be instituted until the expiration of one month after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the nature of the relief which he claims, has been, in the case of a Panchayat delivered or left at the office of the Panchayat and in the case of a member, employee or person as aforesaid delivered to him or left at his office or at his usual place of abode and the plaint shall in each such case contain a statement that such notice has been so delivered or left; or

(b) shall be instituted unless it is a suit for the recovery of immovable property or for the declaration of title thereto, otherwise than within six months next after the accrual of the alleged cause of action.

(2) The notice referred to in sub-section (1), when it is intended for a Panchayat shall be addressed to the Secretary.

(3) If any panchayat or person to whom notice is given under sub-section (1) tenders to plaintiff before the proceeding is commenced and if the plaintiff does not in such proceedings require more than the amounts so tendered he shall no recover any costs incurred by him after such tender: and the plaintiff shall also pay all cost incurred by the panchayat after such tender.

250. ***Protection of Acts done in good faith.*** -[195] (1) No suit prosecution or other legal proceedings shall lie against the president, vice-president, any member, secretary, any officer or employee of a panchayat for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any rule or bye-law made thereunder.

[196]251. ***Assessment etc. not to be impeached.*** - (1) No assessment or demand made, and no charge imposed, under the authority of this act shall be impeached or affected by reason of any clerical error or by reason of any mistake, -

(a) in respect of the name, residence, place of business or occupation of any person; or

(b) in the description of any property or thing; or

(c) in respect of the amount assessed, demanded or charged:

Provided that the provisions of this Act have in substance and effect been complied with:

Provided further that no proceedings under this Act shall, merely or any defect in form, be quashed or set aside by any court of law.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money, made under the said authority if the provisions of this Act have in subsistence and effect been complied with.

(3) No distraint or sale, under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form or summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act and of the rules and bye-laws made there under have in substance and effect been complied with.

252. ***Duties of Police Officers.*** - (1) It shall be the duty of every police officer, -

(a) to communicate without delay to the President and Secretary any information which he receives of the design to commit or of the commission of any offence under this Act or any rule or bye-law made thereunder; and

(b) to assist the President or the Secretary or any officer of the Panchayat demanding in writing his aid for the lawful exercise of any power vesting in the President, the Secretary or in such officer or employee of the Panchayat under this Act or any

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[195] Substituted by Act 13 of 1999.
[196] I bid.

rule or bye-law made thereunder, or for the performance of any function entrusted to any of them.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act shall be deemed to have committed an offence under section 41 of the Kerala Police Act, 1960 (5 of 1961).

[197][253. *** *** ***]

[197] Omitted by Act 13 of 1999.

CHAPTER XXII

RULES, BYE LAWS AND PENALTIES FOR THEIR BREACH

254. ***Powers of Government to make rules.*** **-** (1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively to carry out all or any purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules, -

(i) as to the provision of burial and burning grounds, the licensing of private burial and burning grounds, the regulation of the use of all grounds so provided or licensed, the closing of any such grounds and the prohibition of the disposal of corpses except in such grounds or other permitted places;

(ii) as to the licensing of pigs and dogs and the disposal of unlicensed pigs and dogs;

(iii) prohibiting or regulating the use for any specified purpose of any public spring, tank, well or water course or of any private spring, tank, well or water course with the consent of its owner and without such consent.

(iv) as to the realisation of any tax or other sum due to a village panchayat under this Act or any other law or any rules or bye-laws whether by distraint and sale of movable property, by prosecution before a Magistrate or by, a suit or otherwise;

(v) as to the realisation of fees due in respect of the use of cartstands and the like, whether by the seizure and sale of the vehicles or animal concerned or any part of its burden, or otherwise;

(vi) as to the powers of Secretary to call for information on any matter, to summon and examine witnesses and to compel the production of documents;

(vii) as to the interpellation of the President by the members and the moving of resolutions at meetings of Panchayats;

(viii) as to the powers of auditors, inspecting and Superintending Officers and officers authorised to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence.

(ix) as to the conditions on which and the mode in which contracts may be made by or on behalf of Panchayat;

(x) as to the constitution of standing committees and functional committees of Panchayats, the inclusion of outsiders therein and the delegation of functions to such committees;

(xi) as to the preparation of plans and estimates for works and the power of Panchayats and of officers of the Central or State Government to accord technical or administrative sanction to estimates;

(xii) for the lodging and investment of the moneys of the Panchayat and for the manner in which such moneys may be drawn upon.

(xiii) as to the delegation of any function of a Panchayat to the President, Vice-President, Chairman of standing committee, member, any officer of the Panchayat, or any officer of the Central or State Government;

(xiv) as to the grant to the public of copies of any proceeding or record of the Panchayat not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies;

(xv) as to the form and contents of licences, permission and notices granted or issued under this Act, the manner of their issue or the method of their service and the modification, suspension or cancellation thereof;

(xvi) as to the prohibition or regulation of the slaughter cutting up or skinning of animals at places other than public slaughter houses and licensing of persons to slaughter animals for purposes of the sale to the public;

(xvii) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to Panchayats or on porambokes or on lands; the use of which is regulated by them and for the presumptions to be drawn as regards the ownership of such trees;

(xviii) as to the regulation or restriction of construction of buildings and the use of building sites;

(xix) as to the powers which may be exercised by the Panchayat or the Secretary or officer in respect of any public or private market or the use thereof, and the enforcement of any orders issued in pursuance of such powers; and as to the prohibition of the sale or purchase of any commercial crop in any such market within any area, notified in respect of such crop under the Madras Commercial Crops Markets Act, 1933 or any other law;

(xx) as to the disposal of household and farm-yard waste in the panchayat area, the acquisition of land by the Panchayat for laying out plot for digging pits in which such waste may be thrown, the assignment of any of those plot to persons in Panchayat, area and the conditions subject to which such assignment may be made, including the rent to be charged;

(xxi) regulating contracts between the Panchayat and the owners or occupiers of private premises for the removal there from or rubbish or filth, or any kind of rubbish or filth;

(xxii) as to the preparation of development schemes and plans and execution of such schemes;

(xxiii) as to the form of administration report and the preparation of such report;

(xxiv) as to the estimates of receipts and expenditure, returns statements and reports to be submitted by Panchayats;

[198][(xxv) *** *** ***]

(xxvi) for the use of the facsimiles of signatures of the President the Secretary and other officers of the Panchayats;

(xxvii) for the removal of encroachments of any description from public roads vesting in village Panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense;

(xxviii) for compelling owners of cattle to stall them in cattle sheds provided by the Panchayat and the fees leviable in respect thereof;

(xxix) as to the imposition and recovery of penalties for the unauthorised occupation of public roads or other land vesting in or belonging to village panchayats and the assessment and the recovery of compensation for any damage caused by such occupation;

(xxx) as to the duties to be discharged by village officer in relation to Panchayats and their Secretaries;

(xxxi) for the decision of disputes between a Panchayat and other local authorities;

(xxxii) as to the class of Magistrates by whom offences against this Act shall be tried;

(xxxiii) as to the manner of publication of any notifications or notices to the public under this Act;

(xxxiv) as to the way of discharging the functions by the Panchayat;
(xxxv) as to the transfer of allotments entered in the sanctioned budget of a Panchayat from one head to another;

(xxxvi) as to the accounts to be kept by Panchayats, the audit and publication of such accounts and conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted;

(xxxvii) as to the conditions on which property may be acquired by a Panchayat or on which property vested in or belonging to Panchayat may be transferred by sale, mortgage, lease, exchange or otherwise;

(xxxviii) for regulating the sharing between Panchayat in the State of the proceeds of any tax, duty or income levied or obtained under this or any other Act;

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[198] Omitted by Act 13 of 1999.

(xxxix) as to the time within which appeals allowed by this Act or by rules thereunder should be presented;

(xl) for the distribution of the basic tax or surcharge among the Panchayats;

(xli) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xlii) as to the assessment of taxes under this Act and the revision of and appeals against assessments;

(xliii) as to the form of and the fees to be paid in respect of any matter mentioned in the Act;

(xliv) as to the determination of ordinary residence by the State Election Commission;

(xIv) as to the particulars to be entered in the electoral rolls of Panchayats;

(xlvi) as to the preliminary publication of electoral rolls of Panchayats;

(xlvii) as to the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

(xlviii) as to the manner in which notices of claims or objections shall be published;

(xlix) the place, date and the time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

(1) the final publication of electoral rolls;

(Ii) the revision and correction of electoral rolls and inclusion of names therein and exclusion of names therefrom;

(Iii) the duties of presiding officers and polling officers at polling stations;

(Iiii) the checking of voters by reference to the electoral rolls;

(Iiv) all matters expressly required or allowed by this Act to be prescribed.

(3) Every rule pertaining to elections shall only be made in consultation with the State Election Commission.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified from or be of no effect, as the

case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

255. ***Penalties for breach of rules.*** **-** In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees, or in case of a continuing breach, with fine, not exceeding fifty rupees for every day during which the breach continues after conviction for the first breach.

256. ***Bye-laws and penalties for the breach thereof.*** **-** (1) Subject to the provision of this Act and of any other law and to such rules as may be prescribed, a Panchayat may with the approval of the Government make bye-laws for carrying out any of the purposes for which it is constituted.

(2) In making a bye-law the Panchayat may provide that any person who commits a breach thereof, shall be liable to pay by way of penalty such sums as may be fixed by the Panchayat not exceeding five hundred rupees or, in case of a continuing breach fifty rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof and the date on which they shall come into effect.

CHAPTER XXIII
PENALTIES

257. ***General provisions regarding penalties specified in schedule: -*** (1) Whoever-

(a) contravenes any of the provisions of this Act, specified in the first and the second columns of the sixth schedule; or
(b) contravenes any rule or order under any of the provisions so specified; or
(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance or any of the said provisions;

Shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

(2) Whoever after having been convicted of:

(a) contravening any of the provisions of this Act specified in the first and the second column of the seventh schedule, or

(b) contravening any rule or order made under any of the provisions so specified to; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

continues to fail on comply with the said direction or requisition shall be punishable for each day after the date of previous conviction during which be continues so to offend, with fine, which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

Explanation. **-**The entries in the third column of sixth and seventh schedules headed 'subject' are not intended as definitions of the offences described in the provisions specified in the first and the second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with thereon.

258. ***Penalty for acting as President Vice President or member of a Panchayat when disqualified.*** **-** (1) Whoever acts as the President, acting President, or Vice-President of a Panchayat, or exercises any of his functions knowing that under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding five thousand rupees for every such offence.

(2) Whoever acts as a member of a Panchayat knowing that, under this act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding one thousand rupees for every such offence.

259. ***Penalty for acquisition by an officer or employee [199][or member of] interest in contract work.*** - If any officer or [200]. employee or member of a Panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of the Panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall by reason of being a share holder in, or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat unless he is a director of such company.

[201][*** *** ***]
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260. ***Wrongful restraint of Secretary or his delegate.*** - (1) Any person who prevents the President, the Secretary or any person to whom the President or the Secretary has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or there into shall be deemed to have committed as offence under section 341 of the Indian Penal Code.

[202][(2) Any person who prevents any standing committee or any other committee of the Panchayat or the Chairman of the Standing Committee from exercising its or his legal power of entering into any place, building or land shall be deemed to have committed the offence specified in sub-section (1)]

261. ***Prohibition of obstruction of Panchayat etc.*** - Any person obstructing or molesting a Panchayat, or the President, Vice-President, Chairman of Standing Committee, member or the Secretary of the Panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the Panchayat, in the discharge of his duty or of anything which he is empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law or order made there under, shall be punishable with fine which may extend to five hundred rupees.

262. ***Prohibition of removal or obliteration of notice*** - Any person who without authority in that behalf, removes, destroys, deface or otherwise on literates any notice exhibited or any sign or mark erected by, or under the orders, of a Panchayat or its Secretary, shall be punishable with fine which may extend to two hundred rupees.

263. ***Penalty for not giving information or giving false information.*** - Any person who is required by this Act or by any notice or other proceedings issued there under to furnish any information, without reasonable excuse omits to furnish such information or knowingly furnish false information shall be punishable with fine not exceeding five hundred rupees.

264. ***Fines to be credited to Panchayat.*** - All fines imposed [203][by the panchayat or the court] under this Act or any rule or bye-law made there under shall on realisation be credited to the fund of the Panchayat concerned in respect of offences committed within the jurisdiction of such Panchayat.

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[199] Inserted by Act 13 of 1999.
[200] Ibid
[201] Omitted by Act 13 of 1999.
[202] Inserted act 13 of 1999.
[203] Inserted by Act 13 of 1999.

CHAPTER XXIV
REGISTRATION OF TUTORIAL INSTIUTIONS

265. ***Definitions. - In this Chapter, -***

(a) 'recognised school' means a private unaided school recognised by the Government under the Kerala Education Act 1958 (6 of 1959) or the rules framed thereunder.

(b) 'tutorial institution' means an unrecognised institution having not less than ten students, (by whatever name called) established or run by a person or more than one person jointly for imparting education or instruction or training to any person in any subject, with a view to help him to prepare or to appear for an examination in any branch of education conducted or recognised by the Government or the Universities in the State or by other State Governments or Universities or by the Central Government or under any law for the time being in force but does not include a recognised school or a college affiliated to any university in the State.

[204][266. ***Registration of Tutorial Institutions. -*** (1) On or after the commencement of this Act, no tutorial institution shall be established within a village panchayat area without prior registration obtained from that village panchayat and an application for such registration shall be made to the village panchayat concerned in the prescribed manner along with such fee as prescribed:

Provided that a tutorial Institution existing in a village panchayat area at the commencement of this Act shall be deemed to have been registered under this Act if the person conducting it makes an application for 'registration to the village panchayat within the date fixed by the Government for the purpose.

(2) Such registration shall be renewed annually and the application shall be made to the Village Panchayat in the prescribed manner along with fee.]

267. ***Penalty for maintaining or running unregistered tutorial institution. -*** Any person who maintains or runs a tutorial institution in contravention of the provisions of this Act or who establishes and maintains a tutorial institution without obtaining the registration certificate under this Act or who after cancellation of the registration certificate issued to him continues to run such an institution shall on conviction be punished with fine which may extend to one thousand rupees [205][and further fine which may extend to one hundred rupees for each day during which the offence continued.]

268. [206][* * * * * *
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[204] Substituted by Act 13 of 1999.
[205] Added by Act 13 of 1999.
[206] Omitted by Act 7 of 1995.

CHAPTER XXV

REGISTERATION OF PRIVATE HOSPITALS AND PARAMEDICAL INSTIUTIONS

269. ***Definition.*** **-** In this chapter**, -**

(a) 'hospital' means any establishment or premises used or intended to be used for the reception or accommodation of persons suffering from any sickness, injury or infirmity whether of body or mind, and the providing of treatment or nursing or both for them, and includes a maternity home, but does not include any hospital or nursing homes, licensed under the Mental Health Act, 1987 (Central Act 14 of 1987), and institutions for the care of mentally retarded persons and leprosy patients, and institutions run by the Government or voluntary organisations for the care of old people and for conducting welfare activities for them.

(b) 'maternity home' means an establishment where women are usually received and accommodated for the purpose of confinement and antenatal and post-natal care in connection with the child birth or anything connected therewith.

(c) 'Private hospital' means any hospital other than a hospital belonging to or administered by the Central Government or State Government.

(d) 'private para-medical institution' includes privately owned clinical laboratory X-ray unit, blood bank, scanning centres, etc., and training centres [207][and Nursing schools] relating to the respective subjects.

270. ***Registration of Private hospitals and private para-medical institutions.*** **-** (1) On or after the commencement of this Act, no private hospital or para-medical institutions shall be established within the territorial area of a village panchayat without prior registration in that village panchayat.

[208][but nothing in this section shall apply in the case of a private hospital or para-medical institution which is in existence in the territorial area of a village panchayat at the date of the commencement of this Act in that area, within the date as may be by the Government for the purpose.]

(2) Every application for registration in respect of a private hospital to private para-medical institution or for the renewal of the registration shall contain such particulars and shall be accompanied by such fees as may be prescribed.

[209][270 A. ***Penalty for maintaining and running private hospitals and private para-medical Institutions without registration.*** **-** Any person who maintains or runs a private hospital or a para-medical institution in contravention of the provisions of this Act or without registration under this Act or continue to maintain or run the same after cancellation of registration shall, on conviction, be punished with fine which may extend to five thousand rupees and with a further fine which may extend to five hundred rupees for each day during which the offence continued.]

271. ***Collection of fees by the village panchayat.*** **-** The village panchayat may collect such annual fees from the private hospitals for any service rendered by it at such rates as may be fixed by them, subject to the rules made by the Government for the purpose but the fees so collected shall be at different rates for private hospitals of different standards.

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[207] Substituted by Act 13 of 1999.
[208] Substituted by Act 13 of 1999.
[209] Added by Act 13 of 1999.

CHAPTER XXV A
[210][RIGHT TO INFORMATION]

271 A. ***Definitions.*** **-** For the purpose of this chapter, -

(a) 'Information' means any materials or information contained in a document relating to the administrative, developmental or regulatory functions of a Panchayat and includes any document or record relating to the affairs of the Panchayat.
(b) 'right to Information' means the right to have access to information and includes the right to take certified copies or relevant extracts of a document.
(c) 'Notified document' means any document of the Panchayat notified by the Government under sub-section (2) of section 271B.

271 B. ***Right to information.*** **-** (1) Every person bonafide requiring any information shall have the right to get such information in accordance with the procedure prescribed.

(2) Notwithstanding anything contained in sub-section (1), the Government may, in the interest of public and local administration by notification in the Gazette, classify any document containing special categories of information as notified document and no person shall have any right to such information and the Panchayat may reject any application to get such information.

(3) The Government may, by general or special order, direct the Panchayat to publish, the categories of information mentioned in such order for the general information of the people living in the area of a Panchayat.

271 C. ***Procedure for furnishing information.*** **-** (1) A person, requiring any information from a Panchayat, shall make an application to the Secretary of that Panchayat in such form and in such manner and paying such fees as may be prescribed in that behalf and the Secretary or the officer authorised by the Panchayat shall, furnish such information to the applicant within the prescribed period unless the application is rejected or otherwise disposed of within that period.

(2) If any application for information is rejected, the reason for such rejection shall be given in writing.

271 D. ***Penalty for withholding information.*** **-** (1) The Secretary or any officer of the Panchayat responsible for furnishing any information under this Chapter shall be personally liable for furnishing the same within the period prescribed unless such information is in respect of a notified document.

(2) Where such information is not furnished within the time specified, the officer responsible for not furnishing the information shall be punishable with a fine of rupees fifty for each day of delay after the due date for furnishing the information and the fine so collected shall be credited to the fund of the Panchayat.

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[210] Added by Act 13 of 1999.

(3) where the Secretary of the Panchayat or any other officer bound to furnish the information fails to do so or furnishes false information in respect of its material particulars which he knows or has reason to believe it to be false or not true, he shall be punishable with a fine which shall not be less than rupees one thousand.

271 E. ***Protection of action taken in good faith. -*** Notwithstanding anything contained in section 271 D the Secretary or the officer bound to furnish the information after making a thorough search find that the document is not traceable by reason of the expiry of the period for preservation of that document or the document is not available or for any other valid reason and that the information cannot, therefore, be furnished, the matter shall be communicated to the applicant and dispose of the application and no action shall lie against him.

CHAPTER XXV B

OMBUDSMAN FOR LOCAL SELF GOVENRMENT INSTIUTIONS

271 F. ***Definitions.*** **–** (1) For the purpose of this Chapter, -

(a) 'action' means action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes wilful default in taking action or omission and all other expressions connoting such action shall be construed accordingly;

(b) 'allegation', -

(a) in relation to a public servant means, any affirmation that such public servant, -

(i) has abused his position as such for any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;
(ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives;
(iii) is guilty of corruption, favouritism, nepotism or lack of integrity;
(iv) is guilty of any action as public servant which facilitates or causes to make any loss, waste or misapplication of money or other property of the Local Self Government Institution.

(b) In relation to a Local Self Government Institution means any affirmation that such Local Self Government Institution has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the lawful orders and directions of the Government;

(c) 'Complaint' means a statement of allegation that a public servant or a Local Self Government Institution is guilty of corruption or maladministration and includes any reference to an allegation in respect of which s*uo moto* enquiry has been proposed or recommendation for enquiry has been made by Government;

(d) 'Corruption' includes anything publishable under Chapter X of the Indian Penal Code (Central Act 45 of 1860) or under the Prevention of Corruption Act, 1988 (Central Act 49 1988);

(e) 'Maladministration' means action taken or purporting to have been taken in the exercise of administrative function in any case, -

(i) Where such action, administrative procedure or practice governing such auction is unreasonable, unjust, oppressive, discriminatory or nepotic and will make illegitimate, gain or loss or will deny deserving benefits; or
(ii) Where there is wilful negligence or delay in taking such action, or the administrative procedure or method regulating such action will cause undue delay and includes the action leading to loss or waste or misuse of fund by mal-feasance or misfeasance.

(f) 'Ombudsman' means the ombudsman [211][referred to in section] 271 G;
(g) 'Public Servant' means an employee, or officer under the Local Self Government Institution or an elected member of the Local Self Government Institution including its President or Chairperson and includes an employee or officer of any office or institution transferred to the Local Self Government Institution under the Provisions of this Act;

(h) 'Secretary' means the Secretary of the Ombudsman [212][referred to in section] 271 G;

(i) 'investigating officer' means an officer authorised by the Ombudsman to conduct investigation in respect of an allegation or complaint.

[213][271 G. **T*erm of office and conditions of Service of Ombudsman*. -**

(1) There shall be an authority for Local Self Government Institutions, at State Level known as 'Ombudsman' for making investigations and enquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions, in accordance with the provisions of this Act by Local Self Government Institutions and Public Servants working under them and for the disposal of such complaint in accordance with Section 271 Q.

(2) The Governor shall, on the advice of the Chief Minister, appoint a person who has held the post of a Judge of the High Court as Ombudsman.

(3) A person appointed to be the Ombudsman shall, before he enter upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form set out below: -

"I,A.B. having been appointed as the Ombudsman for Local Self Government Institutions under the Kerala Panchayat Raj Act, 1994, do swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India and I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will".

(4) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office:

Provided that, -
(a) the Ombudsman may, by writing under this hand addressed to the Governor, resign his office; and
(b) the person appointed as Ombudsman may be removed from his office in the manner provided in Section 271 H.

(5) The person appointed as Ombudsman shall be entitled for salary and allowances as are admissible to a Judge of the High Court of Kerala.

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[211] Substituted by Act 12 of 2001.
[212] Substituted by Act 12 of 2001.
[213] Substituted by Act 12 of 2001.

(6) On expiry of his term of office as Ombudsman, he shall not be eligible for re-appointment as Ombudsman or for further appointment to any office of profit under the Government of Kerala or in any corporation, company, society or university by or under the control of the Government of Kerala.]

[214][271 H. ***Removal of Ombudsman.*** **-** (1) The Ombudsman shall not be removed from his office, except by an order of the Governor, passed after an address by the State Legislative Assembly, supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the Legislative Assembly present and voting, has been presented to the Governor in the same session for such removal, on the ground of proved misbehaviour or incapacity.

(2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of law made by the Legislative Assembly.]

271 I. ***Staff of the Ombudsman.*** **-** (1) The Ombudsman shall have a Secretary, and such other officers and employees as the Government may determine in consultation with the Ombudsman to assist the Ombudsman in the exercise of its powers and discharge of its functions under this Act.

(2) The appointment and conditions of service of the Secretary and the employees shall be such as may be specified by the Government and as far as possible appointment on deputation from Government Department shall be resorted to.

(3) The Ombudsman may require the assistance of any Officer of any Government Department in order to ascertain the veracity of an allegation under investigation and such officer shall be bound to render such assistance in addition and without detriment, to his official duties.

(4) The Ombudsman may utilise the services of any person having experience and expertise in any particular subject in deciding the questions before it.

271 J. ***Functions of the Ombudsman.*** **-** (1) The Ombudsman shall perform all or any of the following functions, namely: -

(i) Investigate into any allegation contained in a complaint or on a reference from Government, or that has come to the notice of the Ombudsman;

(ii) Enquire into any complaint in which corruption or maladministration of a public servant or a Local Self Government Institution is alleged;

(iii) Pass an order on the allegation in the following manner, namely: -

(a) Where the irregularity involves a criminal offence committed by a public servant, the mater shall be referred to the appropriate authority for investigation.

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[214] Substituted by Act 12 of 2001.

(b) Where the irregularity causes loss or inconvenience to a citizen, direct the Local Self Government Institution to give him compensation and to reimburse the loss from the person responsible for the irregularity;

(c) Where the irregularity involves loss or waste or misuse of the fund of the Local Self Government Institution, realise such loss from those who are responsible for such irregularity, and

(d) Where the irregularity is due to omission or inaction cause to supply the omission and to rectify the mistake.

(2) In addition to the functions enumerated in sub-section (1), the Ombudsman may pass interim order restraining the Local Self Government Institution from doing anything detrimental to the interest of the complainant if it is satisfied that much loss or injury will be caused to the complainant due to the alleged act.

(3) The Ombudsman may by order, impose penalty in addition to compensation if it is of opinion that the irregularity involves corrupt practice for personal gain.

271 K. ***Powers of the Ombudsman. –*** (1) The Ombudsman shall, for the purpose of any investigation or enquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any witness and examining him;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) requisitioning any public records, or copy thereof from any Court or Office;
(e) issuing commissions for the examination of witness;
(f) such other powers as are prescribed;

(2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature it may by order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.

(3) Where the allegation contained in a complaint is about the loss or waste or misapplication of the fund of the Local Self Government Institution or in respect of the loss or misconvenience caused to a citizen, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in its order the amount to be realised from the person responsible.

(4) If the amount paid as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by it, the same shall be recoverable by Revenue Recovery Proceedings as if it were an arrears of land revenue.

271L. ***Service of Government Departments. -*** The Government may, at the request of the Ombudsman make available the services of officers and employee of the Government including police personnel to assist the Ombudsman in the conduct of investigation and

enquiry and in respect of such functions such Officer or employee shall be deemed to be the officer or employee of the Ombudsman.

271M. ***Investigation.*** **-** (1) The Ombudsman may, according to the provisions of this Act, enquire into any complaint filed before it under this Act.

(2) Notwithstanding anything contained in this Act the Government may refer any allegation of corruption or maladministration against a Local Self Government Institution or a public servant which is within its knowledge or brought to its notice, to the Ombudsman and the Ombudsman shall enquire into it as if it was a complaint filed under this Act.

(3) The Ombudsman may, on receipt of a complaint, conduct an investigation in the matter and where there is prima facie case it may conduct a detailed enquiry.

(4) The Ombudsman shall not enquire into matters relating to, -

(a) any matter in respect of which a formal and public enquiry has been ordered by Government;
(b) any matter in respect of which a remedy is available from the Tribunal for Local Self Government Institutions constituted under Section 271S;
(c) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 (Central Act 60 of 1952) or any matter pending before a court;
(d) any complaint filed after the expiry of three years from the date on which the matter complain against have taken place:

Provided that the Ombudsman may entertain such complaint if the complainant satisfies that he had sufficient reason for not filing the complaint within the specified period.

271 N. ***Enquiry.*** **-** (1) After an investigation if the Ombudsman is satisfied that, -

(a) the complaint is frivolous or vexatious or is not made in good faith; or
(b) there is no sufficient ground to initiate proceedings; or
(c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case, it may dispose of the complaint as rejected after recording its findings stating the reason therefore, and communicate the same to the complainant.

(2) If, the Ombudsman is of opinion that there is a prima-facie case against the person or the Local Self Government Institution complained of it shall record its findings to this effect and send notices of the proposed enquiry to the complainant and to the opposite party.

(3) The Ombudsman shall, subject to the provisions of this Act and the rules made there under, have power to regulate its procedures by fixing the time and place of sitting.

[215][(4) (5) xxxx]

(6) In any proceedings before the Ombudsman, no legal practitioner will be permitted to represent any person, unless the Ombudsman permits, by an order, a person to be represented by a legal practitioner for reasons to be recorded.

271 O. ***Existing cases to be transferred to Ombudsman.*** **-** (1) Notwithstanding anything contained in the Kerala Lok-Ayukta Act, 1999 (8 of 1999) or any other law, if any proceedings, filed and not disposed of under the said Act, before the constitution of Ombudsman as per the provisions of this chapter, relate to a public servant or Local Self Government Institution as per the provisions of this Act, all cases with regard to such proceedings shall be transferred to the Ombudsman and the Ombudsman shall decide the cases in accordance with the provisions of this Act.

(2) All cases, with regard to the loss, wastage and misappropriation of any land of the Local Self Government Institution, pending before the Government or any other authority and disposed of just before the constitution of Ombudsman and the Ombudsman shall dispose of the cases in accordance with the provisions of this Act.

(3) No complaint, against a public servant as defined in this chapter, shall be entertained by a Lok-Ayukta or Upalok-Ayukta constituted as per the Kerala Lok-Ayukata Act, 1999 (8 of 1999) on or after the date of the constitution of Ombudsman as per the provisions of this chapter.

271 P. ***Initiation of prosecution.*** **-** (1) If, after an investigation or inquiry, the Ombudsman finds that there is a prima-facie case against the accused involving a criminal offence, the Ombudsman may refer the complaint and the findings to a competent authority with recommendation to initiate prosecution.

(2) The authority responsible, for initiating such prosecution shall conduct a detailed enquiry if necessary and charge a case.

271 Q. ***Disposal of complaints.*** **-** (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, -

(i) award of compensation, to a citizen in case of loss or grievance;

(ii) Order the recovery of loss caused to the Local Self Government Institution from the person responsible;

(iii) Order the supply of omission or rectification of defects due to inaction;

(iv) Order the recovery of loss from the accused failing which, order realisation through Revenue Recovery Proceedings;

(v) Order other necessary remedial measures considering the facts and circumstances of the case.

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[215] Omitted by Act 12 of 2001.

(2) Where the Ombudsman finds that the procedure or practice regarding the administration of Local Self Government Institution gives room for complaint, it may give suggestions to the Government or Local Self Government Institutions relating to the measures for avoiding the recurrence of such complaint.

(3) The Ombudsman shall give annually a detailed report regarding the performance of its functions under this Act to the Government and the Government it shall lay it before the Legislative Assembly with an explanatory memorandum.

271 R. ***Procedures to be prescribed.*** **-** The Government may make rules in respect of the following matters, namely: -

(i) The conditions of service of[216][the person of the Ombudsman and Ombudsman's] staff;

(ii) The manner of filing complaints before the Ombudsman and the manner or filling cases either *suo moto* or on reference by State Government

(iii) The manner and procedure of conducting investigation;

(iv) Procedure for moving the appropriate authority for the initiation of prosecution;

(v) Procedure to be followed during the inquiry, which as far as possible be summary proceedings;

(vi) The manner of implementing the order of the Ombudsman and further proceedings;

(vii) The form for filing complaints to Ombudsman;

(viii) Any other matter which the Government may deem necessary to prescribe.

[216] Substituted by Act 12 of 2001.

CHAPTER XXV C

TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS

271 S. ***Constitution of Tribunal for Local Self Government Institutions. -***

(1) The Government shall constitute a Tribunal for every district or for more than one district, to consider and dispose of the appeal of revision filed against the decisions of the Local Self Government Institutions under section 276 of this Act and Section 509 of the Kerala Municipality Act, 1994.

(2) A Tribunal shall consist of one judicial officer having the rank of a District Judge, appointed by the Government in consultation with the Chief Justice of the High Court of Kerala and by notification in the Gazette.

(3) A Tribunal shall have the same powers as are vested in a Civil Court under the code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit in respect of the following matters, namely –

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Demanding the discovery and production of any document or other material object producible as evidence;

(c) Receiving evidence on affidavits;

(d) Requisitioning any public document or a copy there of from any court or office;

(e) Appointing commissions for the examination of witnesses or in respect of documents.

(4) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act 45 of 1860).

(5) The Tribunal shall be assisted by the officers and staff as the Government may decide.

271 T. ***Rendering of opinion on matters referred to by the Government. -***

The Tribunal shall, on a reference from the Government with regard to the legality or sustainability of any decision of the Local Self Government Institution, render its opinion to the Government there on after giving the President or the Local Self Government Institution concerned, an opportunity of being heard, if necessary.

271 U. ***Matters to be prescribed. -*** The Government may prescribe the following matters, namely: -

(a) the conditions of service of the Tribunals;
(b) The manner of filing appeal petition or revision petition;
(c) The procedure to be followed in hearing the appeal petition or revision petition.
(d) The effects of the order of the Tribunals ;
(e) Any other matter which the Government may consider necessary to prescribe.

CHAPTER XXVI
SUPPLEMENTAL PROVISIONS

272. ***Public Roads, markets, wells, tanks, etc. to be open to all. -*** All roads, markets, wells, tanks, reservoirs and waterways, vested in or maintained by a Panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed or any other considerations.

[217][272 A. ***Citizen Charter to be published. -*** (1) Every Panchayat shall, in the manner prescribed, formulate citizens charter regarding the different categories of services rendered to the citizen by the panchayat, the conditions for such service and also the time limit for such service and publish it in the name 'citizens charter'.

(2) The citizens charter shall be renewed and updated periodically at least once in a year.]

273. ***Power to farm out fees. -*** (1) Panchayat shall have power to farm out the collection of any fees due to it under this Act or any rules or byelaw made there under for any period not exceeding three years at a time on such conditions as it thinks fit.

[218](2) All amounts including the tax, cess fee and surcharge collected by the panchayat and other amounts accounted to the panchayat fund as per the provisions of this Act or the rules made there under shall be rounded to a rupee.

Explanation. - For this purpose the fraction of a rupee shall be rounded or to the next higher rupee.

274. ***Extension of provisions of the Municipal laws or of the rules thereunder. –*** (1) The Government may, whether at the request of the Panchayat or otherwise, by notification in the Gazette, declare that any of the provisions of the law relating to Municipalities in the state in force for the time being or of any rules made there under, shall be extended to, and be in force, in a Panchayat area or any specified place therein.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the Panchayat area or any specified place therein.

275. ***Delegation of powers etc., -*** (1) The Government may, by notification in the Gazette, authorise a superior officer to exercise in any Panchayat area in regard to any Panchayat or any class of Panchayats or all panchayats any of the powers vested in them by this Act except the power to make rules, and may in like manner withdraw such authorisation.

(2) The government may, by notification authorise any officer to exercise in any panchayat in each district or any class of Panchayats or all Panchayats any power vested

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[217] Added by Act 13 of 1999.
[218] I bid

by this Act or the rules made thereunder and may in like manner withdraw such authorisation.

(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

[219][276. ***Appeal and Revision.*** **-** (1) An appeal shall lie to the panchayat against the notice issued or order passed or action taken by the president or secretary in exercise of the powers conferred as per the provisions of this Act, rules, bye-laws or regulations made thereunder except sections 235 I, 235 J, 235 N, 235 W and 235 X:

Provided that an appeal or matters connected with tax shall be filed before the standing committee for finance of the village panchayat.

(2) If an application is submitted during the pendency of an appeal filed under sub-section (1) the president may, by order, stay the operation of the notice, order or other action appealed against. Every case in which an order has been passed shall be reported by the president to the panchayat at its next ordinary meeting with the reasons for making such an order and the panchayat shall either confirm such order with or without modification or revoke it, failing which it shall stand cancelled.

(3) An appeal filed under sub-section (1) shall be disposed of by the Panchayat or the standing committee in the manner as it may deem fit within sixty days of its receipt.

(4) An appeal on the notice, order or action of the Secretary under section 235 I, 235 J, 235 N, 235 W and 235 X shall be filed before the Tribunal Constituted for Local Self Government Institutions under section 271 S, and it may on an application by an order, stay the operation of the said notice, order or action taken pending disposal of the appeal.

(5) An appeal on any notice issued, order passed, or action taken by the panchayat or a revision on a decision taken by the panchayat or standing committee on any appeal shall lie to the Tribunal Constituted under Section 271 S, provided that such appeal or revision shall be confined only to the following subjects and relating to other subjects as may be prescribed for the purpose, namely: -

(a) Assessment, demand and Collection of taxes or fees or cess;
(b) Grant of permission and licences for trades, factories, markets and other establishments

(6) An appeal or revision shall be filed within thirty days from the date of notice or order or action taken and such appeal or revision, as the case may be, shall be disposed of within sixty days from the date of receipt of such appeal or revision.

(7) No appeal or revision shall be filed against the assessment of tax unless the tax demanded in the demand notice has been paid.

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[219] Substituted by Act 13 of 1999.

(8) Notwithstanding anything contained in the section, all appeals and revisions filed before any authority and not disposed of, before the date on which the Tribunal came into force, shall be handed over by such Authority to the Tribunal.]

277. ***Construction of reference to Panchayat and District Council. -***

(1) Any reference to a Panchayat contained in a law, rule, by law, regulation, [220][notification] scheme, from or order, in force in the State at the commencement of this Act shall be deemed to be a reference to a Village Panchayat as constituted or reconstituted under this Act.

(2) Any reference to a district council constituted under the Kerala District Administration Act, 1979 (7 of 1980) contained in any law, rule, bye-law, regulation, [221][notification] scheme, form, order, memorandum and articles of association of any society, in force in the State at the time of commencement of this Act shall be deemed to be a reference to a district panchayat as constituted or reconstituted under this Act.

278**.** ***Reference to Presidents in other enactments and in notifications etc. issued thereunder.*** **-** (1) Any reference to the President of a Panchayat contained in any enactment in force in the State or in any notification, order, scheme, rule, form or bye-law made under any such enactment and in force in the State shall where such reference relates to the executive functions of the President be construed as a reference to the secretary of the Village Panchayat.

(2) If any question arises as to whether any such reference relates to the executive functions of the President or not, the decision of, the Government shall be final.

279. ***Village Panchayat to regulate the use of contain porambokes.*** **–** (1) Village Panchayat shall have power subject to such restrictions and control as may be prescribed to regulate the use of the land set apart for the common use of the community such as grazing grounds, burning and burial grounds and cart stands, which are at the disposal of the Government.

(2) The Government or any officer authorised by them after consulting the village panchayat may, by notification, exclude from the operation of this Act any poramboke referred to in sub-section (1) and may also modify or cancel such notification.

(3) The village Panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of Government if the Village Panchayat is authorised in that behalf by an order of Government.

(4) The village Panchayat may subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (1).

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[220] Inserted by Act 7 of 1995.
[221] I bid

280. ***Power to remove difficulties.*** **-** (1) If any difficulty arises in first giving effect to the provisions of this Act or as to the first constitution of any Panchayat after the commencement of this Act, the Government, as occasion may require, may, by order do anything which appears to them necessary for the purpose of removing the difficulties:

Provided that no order shall be made under this section after the expiry of one year from the date of the first constitution of the Panchayats in the State.

(2) Every order made under this section shall be laid before the Legislative Assembly, within fourteen days after it is made, if the Assembly is in session or if the Assembly is not in session it shall be laid at its next session.

281. ***Offences by companies.*** **-** (1) If the person committing any offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence and shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) Where any offence under this Act, has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. **-** For the purpose of this section,

(a) ‘company’ means any body co-operate and includes a firm or other association of individuals or a society, or a co-operative society.
(b) ‘director’ in relation to firm means partner in the firm.

282. ***Adjudication of disputes between Panchayats.*** **-** (1) Where a dispute exists among two or more village Panchayats or between a village panchayat and one or more than one block Panchayats or between a village Panchayat and a district Panchayat or between a district Panchayat and one or more block Panchayats or among two or more block Panchayat and or among two or more district Panchayats in regard to any matter arising under the provisions of this or any other law and the Panchayats involved in the dispute are according to their own admission unable to settle amicably any officer of the Government authorised by the Government in this behalf by general or special order, may take such action as is necessary to settle the dispute by himself or if it cannot be so settled, refer it with a report to the Government for decision.

(2) Any decision of the Government under sub-section (1) shall be binding on each Panchayat involved in the dispute and shall not be liable to be questioned in any court of law.

283. ***Power of Government to alter Schedules.*** - (1) The Government may by notification [222]** and to any of the entries in the Schedules to this Act[223]**

[224](2) Any schedule in this Act or any entry to such schedule shall not be omitted otherwise than in exercise of the power conferred by a law made by the legislature of the State.)

284. ***Repeal and Savings.*** - (1) In this section unless the context otherwise requires -

(a) 'appointment day' means the date of coming into force of this Act;
(b) 'an existing panchayat' means a Panchayat constituted or deemed to have been constituted under the Kerala Panchayat Act, 1960 (32 of 1960) and existing immediately before the appointed day, and where any such panchayats has been first constituted or reconstituted or dissolved includes the special officer or administrative committee and its President appointed to exercise the powers or to perform the functions of such Panchayats;
(c) 'district council' means a district council constituted under section 3 of the Kerala District Administration Act, 1979 (7 of 1980) and existing immediately before the appointed day;
(d) 'The successor panchayat' means a village Panchayat constituted under this Act, for such village as corresponds to the respective local area of the existing panchayat.

(2) With effect on and from the appointed day the Kerala Panchayats Act, 1960 (32 of 1960), the Kerala District Administration Act, 1979 (7 of 1980) and also the provisions relating to Panchayats contained in the Kerala Local Authorities (Constitution and Preparation of Electoral Rolls) Act, 1994 (4 of 1994) shall stand repealed and the following consequences shall ensue, that is to say, -

(a) all property, movable and immovable, and all interests of whatsoever kind therein, which vested in an existing Panchayat or, as the case may be, vested in a district council immediately before the appointed day, shall be deemed to be transferred to and shall vest in the successor Panchayat or as the case may be, in the Government subject to all limitations, conditions and rights or interests of any person, body or authority in force of subsisting immediately before the appointed day;

(b) all rights, liabilities and obligations of an existing Panchayat or as the case may be, a district council shall be deemed to be the rights, or liabilities and obligations of the success Panchayat or as the case may be, of the Government;

(c) any function, scheme project or plan or work transferred to, an existing Panchayat, or to, a district council under the Kerala Panchayat Act, 1960 or as the case may be under

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[222] Omitted by Act 7 of 1996.
[223] Ibid
[224] Inserted by Act 7 of 1996.

the Kerala District Administration Act, 1979 or under any other law or order shall be deemed to have been transferred to the successor panchayat or as the case may be to the Government under this Act;

(d) all sums due to an existing Panchayat, whether on account of any tax, cess, fee, surcharge or otherwise, shall be recoverable by the successor Panchayat, and for the purposes of such recovery the successor Panchayat shall be competent to take any measure or institute any proceedings which it would have been open to an existing panchayat, or any authority thereof to take or institute before the appointed day;

(e) the unexpended balance in the Panchayat Fund constituted under the Kerala Panchayats Act, 1960 and all sums due to an existing panchayat or the unexpended balance in the district council fund constituted under the Kerala District Administration Act, 1979 and all sums due to a district council, shall form part of, and be paid into the respective village panchayat fund constituted under this Act or, as the case may be, paid to the Government;

(f) all the contracts made with; and all instruments executed by or on behalf of an existing panchayat or on behalf of a district council shall be deemed to have been made with or executed by or on behalf of the successor Panchayat or as the case may be, on behalf of the Government, and shall have effect accordingly;

(g) all proceedings and matters pending before the existing Panchayat or any authority of an existing panchayats under the Kerala Panchayats Act, 1960 or pending before the district council or any authorities of a district council under the Kerala District Administration Act, 1979 immediately before the appointed day, shall be deemed to have been instituted and to be pending before the successor Panchayat or such authority as the successor Panchayats may direct as the case may be, before the Government or such authority as the Government may direct ;

(h) in all suits and legal proceedings pending on the appointed day in or to which an existing Panchayats or the district council is a party the successor Panchayat or, as the case may be the Government shall be deemed to be substituted therefore;

(i) any appointment, notification, notice, tax, fee, order, scheme, licence, permission, rule, bye-law, regulation or form made, issued, imposed or granted in respect of the Panchayat area of existing Panchayat under the Kerala Panchayats Act, 1960 and in force immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act continue to be in force as if made; issued, imposed or granted in respect of the corresponding Panchayats area of a successor panchayat under this Act until superseded or modified by any appointment, notification, notice, tax, fee, order, scheme, licence, permission, rule, bye-law, regulation or form made, issued imposed, or granted under this Act ;

(j) all budget estimates; assessments, assessment list, valuation or measurements made or authenticated by or in respect of an existing panchayat under the Kerala Panchayats Act, 1960 and inforce immediately before the appointed day shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or authenticated by the successor Panchayat.

(k) all officers and employees in the employment of an existing Panchayat immediately before the appointed day, shall, subject to the provisions of this Act be deemed to be transferred to service of the successor Panchayats;

(l) all officers and employees in the employment of a district council immediately before the appointed day shall be transferred to the concerned department of the Government by general or special order issued by the Government in this behalf;

(m) any reference to a district council or secretary to district council contained in any enactments mentioned in section 102 of the Kerala District Administration Act, 1979 and in force on the appointed day shall be deemed to be a reference to a District Panchayat constituted under this Act or, as the case may be the executive officer of the District Panchayat; and

(n) any thing done or any action taken under the Kerala Local Authorities (Constitution and Preparation of Electoral Roles) Act, 1994 (4 of 1994) in respect of a Panchayat shall be deemed to have been done or taken under the corresponding provisions of this Act as if this act had commenced on and from the 1st day of November, 1993.

(o) with regard to the Village Panchayat constituted under the Kerala Local Authorities (Constitution and Preparation of Electoral Roles) Act, 1994 for a village or villages which include the territories of an existing panchayat, the Special Officer or Administrative Committee or its President shall be deemed to have been appointed under this Act and such Special Officer or Administrative Committee shall continue in office until the expiry of their existing term or until the elected members of such Village Panchayats assume office under this Act, whichever is earlier.

285. ***Transitional provisions*. -** Notwithstanding anything contained in any law for the time being in force except the Constitution (Seventy third Amendment) Act, 1992 the term of office of the members of a Panchayat constituted or deemed to have been constituted under the Kerala Panchayats Act, 1960 (32 of 1960) which expired on the 9th day of August, 1993 shall be deemed to have been extended until a corresponding Village Panchayat is duly constituted under this Act for the first time [within one year from the commencement of the constitution (Seventy third Amendment) Act, 1992] and accordingly anything done or any action taken by the Government or said Panchayats or any person or authority in the purported exercise of the powers and functions conferred by or under the Kerala Panchayats Act, 1906 shall not be deemed to be invalid or ever to have been invalid merely, on the grounds that the term of office of the members of the Panchayats aforesaid had expired on said date.

FIRST SCHEDULE

[See Section 29 (e)]

Form of Oath or Affirmation

I, …… , a candidate for election as a member in constituency No.….of the …… Village / block / district panchayat, do swear in the name of God, solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and [225][uphold the sovereignty and integrity of India] If elected I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or illwill.

[225] Inserted by Act 13 of 1999.

SECOND SCHEDULE

[See Section 152 (1) and 153 (13)]

Form of Oath or Affirmation

I, ……., having been elected member/President/Vice President of the ……village/block/district panchayat, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, and [226][uphold the sovereignty and integrity of India] that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or illwill.

[226] Substituted by Act 13 of 1999.

[227]THIRD SCHEDULE

[See Sub-section (1) of section 166]

Functions of Village Panchayats

A. Mandatory Functions.

1. Regulating building construction.
2. Protection of public lands against encroachment
3. Maintenance of traditional drinking water sources.
4. Preservation of ponds and other water tanks
5. Maintenance of waterways and canals under the control of Village Panchayats.
6. Collection and disposal of solid waste and regulation of liquid waste disposal.
7. Storm water drainage.
8. Maintenance of environmental hygiene.
9. Management of public markets.
10. Vector Control
11. Regulation of slaughtering of animals and sale of meat, fish and other easily perishable food stuffs etc.
12. Control of eating places.
13. Prevention of food adulteration.
14. Protection of roads and other public properties.
15. Street lighting and its maintenance.
16. Adopt immunisation programmes.
17. Effective implementation of National and State level strategies and programmes for prevention and control of diseases.
18. Establishment and maintenance of burial and burning grounds.
19. Issue of licenses to dangerous and offensive trades.
20. Registration of births and deaths.
21. Providing bathing and washing ghats.
22. Provision for ferries.
23. Provision for parking spaces for vehicles.
24. Construction of waiting sheds for travellers.
25. Provision for toilet facilities and bathing ghats at public places.
26. Regulate the conduct of fairs and festivals.
27. Issue licence to domestic dogs and to destroy stray dogs.

B. General Functions

1. Collection and updating of essential statistics.
2. Organise voluntary workers and make them participate in collective activities.
3. Organise campaigns for thrift.
4. Awareness building against social evils like drinking, consumption of narcotics, dowry, abuse of women and children
5. Ensuing maximum peoples participation at all stages of development.

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[227] Ibid

6. Organise relief activities during natural calamities.
7. Inculcating environmental awareness and motivating local action for environmental upgradation.
8. Promotion of co-operative sector.
9. Enhancing communal harmony.
10. Mobilisation of local resources in cash or in kind including free surrender of land for developmental purposes.
11. Campaign on legal awareness among weaker sections.
12. Campaign against economic offences.
13. Organising neighbourhood groups and self-help groups focusing on the poor.
14. Awareness building on civic duties.

C. Sector-wise functions.

1. *Agriculture*

1. Cultivate wastelands and marginal lands.
2. Ensure optimum utilisation of land.
3. Soil protection
4. Production of organic manure.
5. Establishment of nurseries.
6. Encourage the system co-operative ground farming.
7. Organise self help groups among farmers
8. Encourage horticulture and vegetable cultivation.
9. Fodder development.
10. Plant production.
11. Seed protection.
12. Farm mechanisation.
13. Management of Krishi Bhavans.

II. A*nimal Husbandry and Diary farming*

1. Cattle Development Programmes
2. Diary farming
3. Poultry farming, bee keeping, piggery development, goat rearing, rabbit rearing, etc.
4. Running of veterinary hospitals
5. Running of ICDP sub-centres.
6. Preventive Health Programmes for animals.
7. Prevention of cruelty to animals.
8. Implementation of fertility improvement programmes.
9. Control of diseases of animal origin.

III. *Minor Irrigation*

1. Maintenance and implementation of all minor irrigation projects within the area of a village panchayat.
2. Implementation and maintenance of all micro irrigation projects.
3. Put into practice water conservation.

IV. *Fishing*

1. Development of fisheries in ponds, pisci-culture in fresh water and brackish water and mariculture.
2. Improvement of fish seed production and distribution of offsprings.
3. Distribution of fishing implements.
4. Provide assistance for fish marketing.
5. Provide minimum basic facilities for fishermen families.
6. Implementation of fishermen Welfare Schemes.

V. *Social Forestry*

1. Growing trees for cattle feed, fire wood and growing of fruit trees.
2. Organise campaigns for planting of trees and to build environmental awareness.
3. Afforestation of waste land

VI. *Small scale Industries*

1. Promotion of cottage-village industries.
2. Promotion of handicreafts.
3. Promotion of traditional and mini industries.

VII. *Housing*

1. Identification of the homeless people and the poramboke dwellers and provide them with lands for house construction and with houses.
2. Implementation of rural housing programmes.
3. Implementation of shelter upgradation programmes.

VIII. Water Supply

1. Management of water supply schemes within a village panchayat.
2. Setting up of water supply schemes within a village panchayat.

IX. Electricity and Energy

1. Installation and maintenance of streetlights.
2. Encourage the consumption of bio-gas.

X. Education

1. Management of Government Pre-primary Schools and Primary Schools.
2. Implementation of literacy programmes.
3. Management and promotion of reading rooms and libraries.

XI. Public Works

1. Construction and maintenance of village roads within a village panchayat.
2. Construction of buildings for institutions including those transferred from the government.

XII. Public Health and Sanitation

1. Running of dispensaries, Primary Health Centres and Sub-centres (with all systems of medicines.)
2. Management of maternity and Child Welfare Centres.
3. Carry out immunisation and other preventive measures.
4. Implementation of family welfare programme.
5. Implementation of sanitation programmes.

XIII. Social Welfare

1. Running of Anganwadis
2. Sanctioning and distribution of pension to destitutes, widows, handicapped and agricultural labourers.
3. Sanctioning and distribution of unemployment wages.
4. Sanctioning of financial assistance for the marriage of the daughters of widows.
5. Implementation of Group Insurance Scheme for the poor.

XIV. Poverty Alleviation

1. Identifying the poor.
2. Implementation of self employment and Group Employment Schemes for the poor especially for women.
3. Providing community assets of continuing benefits to the poor.

XV. Scheduled Caste-Scheduled Tribe Development

1. Implementation of beneficiary oriented schemes under S.C.P., T.S.P.
2. Running of nursery schools for Scheduled Caste-Scheduled Tribes.
3. Arrange basic facilities in Scheduled Caste-Scheduled Tribe Colonies.
4. Provide assistance to Scheduled Caste-Scheduled Tribe Students.
5. Provide discretionary assistance to scheduled Caste-Scheduled Tribe when necessary.

XVI. Sports and Cultural Affairs

1. Construction of playgrounds.
2. Establishment of Cultural Centres.

XVII. Public Distribution System

1. Examining the complaints against the Public Distribution System and find out and implement remedial measures.
2. Organise campaigns against offences relating to weights and measures.
3. General supervision and guidance of Ration Shops, Maveli Stores, Neethi Stores and other public distribution systems and start new public distribution centres, if necessary.

XVIII. Natural calamities Relief

1. Protection of Relief Centres.
2. Conduct works relating to natural calamity. The work to compensate damages caused to the assets should be done by the respective panchayats.

XIX. Co-operation

1. Organise Co-operative societies within the boundaries of village panchayat.
2. Strengthen [the existing co-operative institutions]

[228][FOURTH SCHEDULE

[See Sub-section (1) of section 172]

Functions of Block Panchayats

(A) General Functions

1. Utilise Governmental-non-Governmental technical expertise at block level.
2. Provide technical assistance to Village Panchayats.
3. Prepare schemes taking into consideration the schemes of village panchayats in order to avoid duplication and to provide backward, forward linkage.

(B) Sectorwise functions

1. Agriculture

1. Farmers training programmes for the implementation at the village level.
2. Arrange agricultural inputs required for schemes at the village level.
3. Conduct of agricultural exhibitions.
4. Management of watersheds falling within the Block Panchayat area.
5. Mobilise agricultural loans.
6. Encouragement of sericulture.

II. Animal Husbandry and Dairy Farming

1. Running of veterinary poly clinics and zonal artificial insemination centres.
2. Provide speciality services in animal husbandry.
3. Conducting of cattle and poultry shows.

III. Minor Irrigation

Implementation and maintenance of all Lift Irrigation Schemes and Minor Irrigation Schemes covering more than one village panchayats.

IV. Fisheries

Development of traditional landing centres.

V. Small Scale Industries.

1. Establishment of mini industrial estates.
2. Promotion of industries with investment limit of one third of S.S.I.
3. Formulation of self employment schemes in Industrial sector.

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[228] Substituted by Act 13 of 1999.

VI. Housing

1. Popularisation of low cost housing.
2. Promotion of housing co-operative societies.

VII. Electricity and Energy

Development of conventional energy sources.

VIII. Education

Management of Government Industrial Training Institutions.

IX. Public Works

1. Maintenance of Village roads connecting more than one village panchayat within the Block Panchayat and other roads vested in block panchayat.
2. Construction of buildings for institutions transferred from Government.

X Public Health and Sanitation

Running of community health centres and Taluk Hospitals with all systems of medicine within the Block Panchayat.

XI Social Welfare
Management of I.C.D.S.

XII Poverty Alleviation

1. Planning and implementation of employment assurance schemes in co-ordination with the Village Panchayat.
2. Skill upgradation of poor for self employment and giving wage employment for people below poverty line.

XIII. Scheduled Caste/Scheduled Tribe Development

1. Management of pre-metric hostels.
2. Promotion of Co-operative Societies means for Scheduled Caste/Scheduled Tribes.

XIV. Co-operation

1. Organising co-operatives within the jurisdiction of block panchayat.
2. Strengthening of co-operative institutions.]

[229][FIFTH SCHEDULE

[See Sub section (1) of Section 175]

Functions of District Panchayats

(A) General Functions

1. Mobilisation of the technical expertise available from Government-non-Government institutions**.**
2. Provide technical assistance to Block Panchayats, Village Panchayats and Municipalities.
3. Prepare schemes after taking into account the schemes of the Village Panchayat and the Block Panchayat to avoid duplication and to provide forward-backward linkage.

(A) Sectorwise Functions

I. Agriculture

1. Running of agriculture farms other than regional farms and research centres.
2. Integrated water-shed management in water sheds covering more than one block panchayat area.
3. Provide for agricultural inputs.
4. Soil testing
5. Pest control
6. Marketing of agricultural products
7. Cultivation of ornamental plants.
8. Promotion of agricultural co-operatives
9. Promotion of commercial crops.
10. Application of bio-technology.
11. Popularisation of innovative field trials and pilot projects.
12. Conduct of locally appropriate research and development.

II. Animal Husbandry and dairy Farming

1. Running of district level veterinary hospitals and laboratories.
2. Running of dairy extension units.
3. Promotion of Milk co-operative societies.
4. Running of farms other than regional farms, breeding farms and research centres.
5. Implementation of district level training.
6. Implementation of disease prevention programmes.
7. Propagating new methods of field trials and pilot projects.
8. Locally relevant research and development.

III. Minor Irrigation

1. Development of ground water resources.

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[229] Substituted by Act 13 of 1999.

2. Construction and maintenance of minor irrigation schemes covering more than one block panchayat.
3. Command area development.

IV. Fisheries

1. Arrangements for fish marketing
2. Management of fish farm development agency.
3. Management of district level pisci-culture centres net making units, fish markets, feed mills, ice plants and cold storages.
4. Management of fisheries schools.
5. Introduction of new technologies.
6. Provide implements required for fishermen.
7. Promotion of fishermen's co-operative societies.

V. Small Scale Industries.

1. Management of district industries centres.
2. Promotion of small scale industries.
3. Setting up of industrial estates.
4. Organising exhibitions for sale of products
5. Conduct of entrepreneur development programme.
6. Marketing of products.
7. Imparting training.
8. Create input service and common facility centres.
9. Implementation of industries development credit schemes.

VI. Housing

1. Implementation of housing complex and infrastructure development.
2. Mobilisation of housing finance.

VII. Water Supply

1. Implementation of water supply schemes covering more than one village panchayat.
2. Taking over of water supply schemes covering more than one village panchayat.

VIII. Electricity & Energy

1. Taking over of micro-hydal projects.
2. Determining priority areas for extension of electricity.

IX. Education.

1. Management of Government high schools (including Lower and Upper Primary Schools attached to high schools).
2. Management of Government Higher Secondary schools.
3. Management of Government Technical Schools.

4. Management of Government Vocational Training Centres and Polytechnics.
5. Management of government Vocational Higher Secondary Schools.
6. Management of District Institute for Education and Training.
7. Co-ordination of centrally and state sponsored programmes related to education.

X. Public Works.

1. Construction and maintenance of all district roads vested within the district panchayat other than major district roads.
2. Construction of building for institutions transferred.

XI. Public Health & Sanitations

1. Management of district hospitals with all systems of medicines.
2. Setting up of centres for the care of special categories of handicapped and mentally disabled people.
3. Co-ordination of centrally and state sponsored programmes at district level.

XII. Social Welfare

1. Provide grants to orphanages.
2. Establishment of welfare centres for the handicapped and destitutes.

XIII. Poverty Alleviation

1. Providing infrastructure facilities for self employment programme.

XIV. *Development of Scheduled Caste-Scheduled Tribe*

1. Management of post metric hostels.
2. Management of vocational training centres for the Scheduled Caste/Scheduled Tribes.

XV. Sports and Cultural affairs.

Construction of stadia.

XVI. Co-operation

1. Organisation of co-operatives within the limits of district panchayat.
2. Strengthening of the co-operative institutions.]

SIXTH SCHEDULE

[See Sub section (1) of section 257]

Penalties

Section	Sub-section/ clause	Subject	Fine which may be imposed
(1)	(2)	(3)	(4)
[230][205B		The Occupier or the owner/making default in submitting the list of persons engaged in any profession art etc.	One thousand rupees
205 C		The employer or the head of office or firm or company making default in submitting the list of persons employed under him.	One thousand rupees.
205 D		Employer making default in recovering profession tax	Five hundred rupees.
205 (E)	(2)	Making default in submitting the list of employees etc.	Five hundred rupees.
205 (H)		Making default in payment of profession tax by self drawing officers	Two hundred and fifty rupees.
209 (C)	(2)	Exhibition of any advertisement without permission	Five hundred rupees]
220	(a)	Unlawful building of wall or erecting offence, etc., in or over public road.	Five hundred rupees.
220	(c)	Unlawful making of hole or depositing of matter in or over public road	Two hundred rupees
220	(d)	Unlawful quarrying in any place near public road, etc.	Two hundred rupees
220	(e)	Unlawful construction of building over drain	One Thousand rupees
220	(f)	Planting of trees without permission on any public road or other property vested in a panchayat	One hundred rupees
220	(g)	Felling etc., without permission of trees growing in public road or other property vested in a panchayat or on a poramboke or land, the use of which is regulated by it under section 220.	One thousand rupees.
222	(1)	Unlawful opening or keeping open a market	Two thousand rupees
222	(3)	Levy of fees in private evening market (Anthichantha)	Two hundred rupees
222	(4)	Levy of fees in private market without a licence.	Five hundred rupees.
224		Sale or exposure for sale in public or private market of any animal or article without permission	Two hundred rupees
225		Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations	One hundred rupees
227	(b)	Using of any public place or roadside as a landing or	Two hundred

[230] Inserted by Act 13 of 1999.

		halting place or as a cart-stand within prohibited distance.	rupees.
228	(1)	Opening a new private cart-stand or continuing to keep open private cart-stand without licence or contrary to licence	One thousand rupees.
230		Use of place as a slaughterhouse without licence or contrary to licence.	One thousand rupees
231		Slaughter of animals for sale as food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause a nuisance	One hundred rupees for every animal carcass or skin
232		Using a place for any prescribed purpose without licence or contrary to licence	Five hundred rupees
233.		Unlawful erection of factory, workshop, etc.	[231][Five thousand rupees]
235	(2)	Unlawful destruction, etc., of number of buildings	Fifty rupees
235	3)	Failure to replace number when required to do so	One hundred rupees.
[232][235	(C) (5)	Construction or reconstruction of the buildings against the declaration issued by the village panchayat	Two thousand rupees
235	(D)	Making default in not complying with the request of making the building at the corner of the street rounded of or splayed of	Five thousand rupees.
235	(E)	Construction of doors and windows so as to open on public road	Two hundred rupees
274		Obstructing a persons in the use or enjoyment of a public road, market, well, tank, etc.	Five hundred rupees.

[231] Substituted by Act 13 of 1999.
[232] Added by Act 13 of 1999.

SEVENTH SCHEDULE

Penalties for continuing breaches

[See Sub section (2) of section 257]

Section	Sub-section/ clause	Subject	Fine which may be imposed
(1)	(2)	(3)	(4)
[233][209	(C) (2)	Unauthorised exhibition of any advertisement	One hundred rupees
220	(a)	Unlawful building of wall or erecting fence, etc. in or over public road	One hundred rupees
220	(c)	Unlawful making of hole or depositing of matter in or over public road	Fifty rupees
220	(d)	Unlawful quarrying in any place near public road etc.	Fifty rupees
220	(e)	Unlawful construction of building over drain	Two hundred rupees
222	(1)	Opening or keeping open a private market in contravention of section 221	Five hundred rupees
222	(3)	Levy of fees in private evening market (Anthichantha)	One hundred rupees
222	(4)	Levy of fees in private market without a licence	Two hundred rupees
224		Sale or exposure for sale in public or private market of animal or article without permission	One hundred rupees
228	(1)	Keeping open a private cart-stand without licence or contrary to licence.	One hundred rupees
232		Using a place for any purpose prescribed under section 232 without a licence or contrary to licence	One hundred rupees
233		Unlawful erection of factory, workshop, etc.	Five hundred rupees.

[233] Inserted by Act 13 of 1999.

[234]EIGHT SCHDULE

x x x
x x x
x x x

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[234] Omitted by Act 13 of 1999.

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Declaration of result of election
Counting at two or more places
Copy of result sheets
Custody of ballot boxes and other papers
Particulars of account of election expenses
Notice by officer authorised by the State Election Commission of Inspection of account
Inspection of account and obtaining of copies thereof
Report by the officer authorised by the State Election Commission as to the lodging of the account of election expenses and the decision of State Election Commission thereon
Maximum amount of election expenses
The State Election Commission to give direction for conducting election effectively
Form of affidavit to be filed with election petition
Expenses connected with election
FORM 1-28

THE KERALA PANCHAYAT RAJ (ELECTION OF PRESIDENT AND VICE-PRESIDENT) RULES, 1995

Short title and commencement
Definitions
The manner of allotment by rotation of the reserved seats of the Panchayat Presidents to various Panchayat
The manner of and the time limit for intimation of casual vacancies
The manner of convening of election meeting
Quorum
Nomination of candidates
Election procedure
The manner of recording of votes, conducting of votes and delcaration of result
വോട്ടുകൾ തള്ളിക്കളയൽ
Publication of result
Disposal of ballot papers
FORM I

THE KERALA PANCHAYAT RAJ (OATH OF MEMEBRS, PRESIDENT AND VICE PRESIDENT) RULES, 1995

Short title and commencement
Definitions
Oath or affirmation of members
The oath of president and Vice President
FORM 1-2

THE KERALA PANCHAYAT RAJ (PROCEDURE FOR PANCHAYAT MEETING) RULES, 1995

Short title and commencement
Definitions
Place and time of meeting
Notice and agenda of meeting
Preparation of agenda
Requisition for convening of meeting
Quorum for Panchayat meeting
Panchayat meeting to be held open
Holding and Presiding over meeting
Decision in meetings
Cancellation or modification of resolutions
Interpellation by members to the President or Chairman of the Standing Committees
Procedure for moving resolutions at Panchayat meeting
Resolution on bye-laws
Motion of no-confidence in President, Vice-President, or Chairman of a Standing Committee
When to allow speeches
Order of delivering speech
Speeches how to be permitted
Personal explanations
Duration of speeches
Point of order and decision thereon
Resolutions to be put to vote
Manner of polling
Procedure when the Chairman speaks
Decision of the Chairman
Preparation of minutes of meting
Chairman or members to keep away from the discussion on issues involving personal and financial interest
Dissenting note on decisions
Forwarding of minutes
Custody of records
APPENDIX FORM

THE KERALA PANCHAYAT RAJ (CONSTITUTION OF WORKING COMMITTEES AND JOINT COMMITTEES AND PROCEDURE FOR THEIR MEETING) RULES, 1995

Short title and commencement
Definitions
Constitution of Working Committees
Powers and functions of the Working Committees
Procedure for the meeting of Working Committees
Constitution of Joint Committee
Filling up of vacancies in the Joint Committee
Chairman of Joint Committee
Powers of Joint Committees
Procedure for meeting of Joint Committees
Implementation of the decisions of the Joint Committee
Dissolution of Joint Committee
Adjudication of disputes

THE KERALA PANCHAYAT RAJ (SERVICE TAX) RULES, 1995

Short title and commencement
Definitions
Levying of Service Tax
Rates of Service Tax
Procedure for the collection of service tax

THE KERALA PANCHAYAT RAJ (LEVY AND COLLECTION OF SHOW TAX) RULES, 1995

Short title and commencement
Definitions
Rate of Show Tax
Procedure for conducting shows
Remittance of tax
Punishment for default
Compounding of offences

THE KERALA PANCHAYAT RAJ (DUTY ON TRANSFER OF PROPERTY) RULES, 1995

Short title and commencement
Definitions
Provisions of the Stamp Act to apply to duty on transfer of property
Duties of Registering Officers with regard to the particulars to be set forth in instruments
Maintenance and consolidation of accounts with respect to the duty on transfer of property
Collector to forward quarterly statement on refunds of duty on transfer of property to the District Registrar concerned
Allotment of amounts to Village Panchayats
Amounts to be transfer credited to P.D. accounts of Village Panchayats
Co-operative Society to be exempted from the operation of the rules
Applicability of certain provisions in the Stamp Act
Inspector General of Registration to issue instructions to Registering Officers

THE KERALA PANCHAYAT RAJ (LANDING PLACES, HALTING PLACES, CART STANDS AND OTHER VEHICLE STANDS) RULES, 1995

Short title and commencement
Definitions
Panchayat to invite objections before providing public landing places, halting places, cart stands or other vehicle stands
Village Panchayat to consider the objections
Village Panchayat to obtain previous sanction of the Regional Transport Authority
Places which shall not be declared as halting places or cart stands
Other places not to be used as public landing place, halting place or cart stand when such places are provided for
Publication of notice regarding providing of landing place, halting place and cart stand
Rate of fees
Procedure in case of non-remittance of fee
Property seized to be sent to the secretary and the secretary to give notice thereof to the owner
Property to be returned when the amount due is tendered
Property may be sold, if no tender is made
Arrangements to be provided for passengers and motor vehicles in the bus stand
Public halting places, landing places and cart stands to be kept open to all
People resorting to halting places, landing places and cart stands to obey orders of the Secretary
Begging to be prohibited within public landing places, halting places and cart stands
Inspection
Leasing of portions of halting places
Transferring of right to collection of fee
Direct collection of fees
Application for licence or renewal of licence to private cart stands
The Village Panchayat to dispose of applications for licence
Licence to expire at the end of the financial year
Licence fee
Licence to carry out the orders of the Secretary
Rate of fee for private cart stands
Responsibility of licensee for violation of conditions
Certain rules relating to public cart stands to apply to private cart stands
Penalty for breach of rules
FORM OF LICENCE

THE KERALA PANCHAYAT RAJ (PROFESSION TAX) RULES, 1996

Short title and commencement
Definitions
Maximum rates of half-yearly –tax
Transaction of business and exercise of profession
Determination of tax when the business is confined exclusively to a single Village Panchayat area
Percentage of turnover
Determination of income when business is transacted in two or more Village Panchayat areas
Determination of turnover
The Standing Committee to classify tax
Service of notice and the levy of profession tax
Accounts not to be called for
Statements, return, etc. to be confidential
Requisition on owner or occupier to furnish list of persons liable to tax
Requisition on employers or their representatives to furnish list
Intimation of change or transfer of trade
Requisition on employers to furnish particulars of income or salary of employees
Determination of tax and intimation
Demand of leviable tax
Employer to Serve Bill/Demand Notice
Deduction of profession-tax from salary
Payment of Profession-tax by self drawing officer
Furnishing of the details of tax collected
Issue of receipt for the amount remitted
Offences and penalties
Removal of difficulties
FORM I-VI

THE KERALA PANCHAYAT RAJ (USING OF FACSIMILE STAMP OF SIGNATURE OF PRESIDENT AND SECRETARY) RULES, 1996

Short title and commencement
Definitions
Affixing of facsimile stamp of signature of the President or the Secretary

THE KERALA PANCHAYAT RAJ (TAXATION, LEVY AND APPEAL) RULES, 1996

Short title and commencement
Definitions
Procedure for passing resolution determining the levy of tax
Publication of new taxes
Secretary to maintain assessment books
Standing Committee to assess tax
Powers of Panchayat to give directions to amend assessment books
Service of Bill
Issuance of receipt
Appeal
Procedure on appeal
Appeal on the decision of the Panchayat
Implementation of the decision on appeal
Notice to be served before enforcing provisions of distraint
Recovery by distraint
Civil suit for recovery of arrears
Power of the officer conferred with duty to execute warrant
Procedure for seizure of property
Distress not to be excessive
Sale of property distrained
Secretary to consider objections
Power of Government to call for records
Levy of fees on distraint
Distraint to be confined to properties within the Panchayat area
Distraint of property belonging to occupier of a building
Realisation of tax, from a person who has left the State or cannot be found
Magistrate to recover tax, warrant fee etc.
The Secretary, Panchayat Employees and the Committee Members not to purchase any property directly or indirectly
FORM 1 – 2

THE KERALA PANCHAYAT RAJ (REGULATION AND PROHIBITION OF USE OF PUBLIC OR PRIVATE SPRINGS, TANKS, WELLS AND OTHER WATER COURSES) RULES, 1996

Short title and commencement
Definitions
Prohibition of Regulation of bathing of animals and washing of clothes etc. in public water courses, tanks etc.
Prohibition or Regulation of bathing of animals and washing of clothes etc. in private water courses, tanks etc.
Prohibition of use of water from any tank, well, spring etc., on grounds of public health
Protection of unhealthy Private tank or, well
Prohibition against use of public springs, tanks etc. for purposes other than for which they are set apart
Penalty for violation of rules
Authorisation of Secretary

THE KERALA PANCHAYAT RAJ (BURIAL OF UNCLAIMED CORPSES AND CARCASSES) RULES, 1996

Short title and commencement
Definitions
Intimation of the existence of an unclaimed corpses
Procedure to be followed by the president and the Secretary in the case of unclaimed Corpse
Burial of unclaimed corpse to be, as far as possible, according to the religious custom of the deceased
Burial of carcassess
Expenditure for burying corpses

THE KERALA PANCHAYAT RAJ (MANNER OF SERVICE OF NOTICES) RULES, 1996

Short title and commencement
Definitions
Serving of notice

THE KERALA PANCHAYAT RAJ (SLAUGHTER HOUSES AND MEAT STALLS) RULES, 1996

Short title and commencement
Definitions
Public to be informed of the prohibitation of slaughtering of animals except in a public or licensed slaughter house
Separate slaughter house for slaughter of pigs
The slaughter houses to be away from dwelling places and public roads
Licensing of butchers
Admission to slaughter house at the time of slaughtering to be restricted
Stamping of animals
Issuance of Certificate
Diseased, dead or dying animal to be destroyed
No meat to be sold in slaughter house
Meat to be sent to the meat stalls
Inspection of meat entrails and offals
The animals brought for slaughter should be clean
Number of animals to be admitted at a time not to exceed the maximum permitted
Slaughtering to be done only at places specially allotted
Carcasses of animals slaughtered to be inspected and stamped
Unfit meat not be allowed to be removed
Separate receptacles to be provided for putting refuse and allowing blood to flow
Inflation or blowing of carcasses prohibited
Rates of fees
Restriction regarding time of slaughter
Slaughtering knife to be sharp and clean
Supply of water in the slaughter house to be abundant
Spittoons to be provided in the slaughter house
Child less than ten years of age not to be admitted in the slaughter house
No dogs, crows etc. to be allowed in slaughter house
Eviction of undesirables from the slaughter house
Responsibility of persons causing damage to slaughter house
Procedure for opening and closing of slaughter house
Leasing out collection of rent and fee
Application for private slaughter houses
Licence to be issued on payment of fees
Period of Licence
Rate of licence fee
Maintenance of account by the licensee
Licensee to obey all lawful orders
Location of meat stalls
Power to inspect meat stalls
Conditions to be observed by meat stall holders
Penalty for breach of rules
FORM I-IV

THE KERALA PANCHAYAT RAJ (MANNER OF PUBLICATION OF NOTIFICATION OR NOTICE) RULES, 1996

Short title and commencement
Definitions
Publication of Notification
Publication of notices, orders etc
Notice regarding prohibition in or reservation of places

THE KERALA PANCHAYAT RAJ (PROCEDURE TO BE ADOPTED ON ILLEGAL RESOLUTIONS) RULES, 1996

Short title and commencement
Definitions
Procedure on illegal resolutions
Appeal
Orders passed on appeal to be placed in the Panchayat meeting
Power of Government to cancel or suspend the resolution of Panchayat

THE KERALA PANCHAYAT RAJ (INVESTMENT AND WITHDRAWAL OF PANCHAYAT FUND) RULES, 1996

Short title and commencement
Definitions
Lodging of Panchayat Fund
Investment of surplus Fund of Panchayat
Withdrawal of money from the Panchayat fund

THE KERALA PANCHAYAT RAJ (COMPOUNDING OF OFFENCES) RULES, 1996

Short title and commencement
Definitions
Compoundable offences and offences compoundable with the permission of the court
Application for compounding of offences
Fee for compounding of offences
Dues to the Panchayat to be paid before compounding
Authority to order compounding
The Secretary may reject the application for compounding
Fine to be collected before compounding of offence
Compounding of offences repeated
Application for compounding of offence with the permission of court
Order of the Court to be communicated to the Secretary of the Panchayat concerned
Compounding after obtaining permission of court
Order of compounding to be communicated to the party
Compounding of offence committed by persons prosecuted under Section 210 of the Act
The Secretary to communicate compounding of offences to the Court
SCHEDULE

THE KERALA PANCHAYAT RAJ (DUTIES TO BE EXERCISED BY THE VILLAGE OFFICERS) RULES, 1996

Short title and commencement
Definitions
Power to call for information from Village Officers
Power of District Panchayat to call for information from Village Officer and to instruct him to perform certain duties
Village Officer to report cases of encroachment
Village Officer to attend Panchayat meetings, if required

THE KERALA PANCHAYAT RAJ (ISSUANCE OF LICENCE AND CONTROL OF PUBLIC AND PRIVATE MARKETS) RULES, 1996

Short title and commencement
Definitions
Providing public markets
Setting apart of separate stalls for particular commodities
Leasing out of any portion of public market
Power to cancel permit
Setting apart of space for casual vendors and public
Levy of fees in public markets

SCHEDULE

Licensing of private markets
Fees to be collected by the licensees of private markets
Power of Panchayats to control markets
Maintenance and audit of accounts of private markets
Licensing of brokers, commission agents, etc
Providing facilities for grading of commodities
Providing facilities for storing
Market days to be notified
Market rates to be notified in the Notice Board
Rules to be observed in markets
Selling by auction of right to collect fees from casual sellers
Issuance of receipt for collections
Remittance of lease amount
Direct collection of fees
Public markets situated within the area of two or more Panchayats
Private markets situated within the limits of two or more Panchayats
Distance between markets
Penalty for breach of rules
FORM NO I-VII

THE KERALA PANCHAYAT RAJ (REMOVAL OF ENCROACHMENT AND IMPOSITION AND RECOVERY OF PENALTY FOR UNAUTHORISED OCCUPATION) RULES, 1996

Short title and commencement
Definitions
Prohibition of and penalty for unauthorised occupation of lands vested in or belonging to Panchayat
Eviction of unauthorised occupants
Procedure for eviction

THE KERALA PANCHAYAT RAJ (CONTROL OVER OFFICERS) RULES, 1997

Short title and commencement
Definitions
Lending of service of Government Officers and employees to the Panchayat
Imposing of minor penalties on officers
Procedure to issue memo of charges
Examination of written statement
Imposition of minor penalty
Suspension
Appeal and re-examination
Procedure on commission of offences which may result in imposing major penalties
Observation of provisions of other rules
Confidential report
Granting of leave
APPENDIX I-II

THE KERALA PANCHAYAT RAJ (REGISTRATION OF PRIVATE HOSPITALS AND PRIVATE PARAMEDICAL INSTITUTIONS) RULES, 1997

Short title and commencement
Definitions
Registration of private Hospitals and private Paramedical Institutions
Registration of the existing private hospitals and private Paramedical Institutions
Renewal of registration
Cancellation of registration
Collection of annual fee
FORM 1-5

THE KERALA PANCHAYAT RAJ (AUTHORISATION OF TRIAL OF OFFENCES) RULES, 1997

Short title and commencement
Definitions
Judicial Magistrates of the First Class to try offences

THE KERALA PANCHAYAT RAJ (RESTRICTIONS AND CONDITIONS ON THE POWERS OF ENTRY AND INSPECTION) RULES, 1998

Short title and commencement
Definitions
Entry for enquiry or inspection
Entry into the premises having licence or permit

THE KERALA PANCHAYAT RAJ (CONSTRUCTION AND MAINTENANCE OF PUBLIC LATRINES, URINALS, BATHING PLACES AND SANITATION OF PRIVTE PREMISES) RULES, 1998

Short title and commencement
Definitions
Providing of Public latrines
Issue of licence for public latrines
Providing of latrines by owner or occupier
Providing of latrines for labourers
Providing of latrines for markets, cart-stands, cattle-sheds, inns, etc.
Latrines to be screened from view and kept clean
Providing of public urinals and bathing ghats
Panchayat to provide for the removal of rubbish, solid waste and filth
Duty of the owners and occupiers for storage and deposit of rubbish and solid wastes
Contract with owner or occupier for removal of rubbish or filth
Introduction of house collection of rubbish
Rubbish and other solid waste to be the property of the Panchayat
Provision for the final disposal of solid wastes
Provision for processing of solid waste
Special arrangements to be made in places of pilgrimage and festival considering public health
Removal of rubbish filth and solid wastes accumulated in non-residential places
Prohibition of improper disposal of carcasses, rubbish and filth
Prohibition of keeping filth on premises
Prohibition against allowing out flow of filth
Prohibition of storage of skin
Prohibition of using of any cart without cover for the removal of filth etc.
Prohibition of deposit of rubbish of filth into public places
Prohibition of causing nuisance in public streets etc
Presumption as to the offender
Prohibition of depositing wastes at a place other than specified for the purpose by the employees of the Panchayat engaged in rubbish and solid waste management service
Power to inspect premises for sanitary purposes
Punishment for the contravention of the provisions of the rules.

THE KERALA PANCHAYAT RAJ (WRITING OFF IRRECOVERABLE AMOUNTS) RULES, 1998

Short title and commencement
Definitions
Procedure to write off amounts
SHCEDULE

THE KERALA PANCHAYAT RAJ (LICENSING OF PIGS AND DOGS) RULES, 1998

Short title and commencement
Definitions
Control in rearing of dogs and pigs
Licence
Penalty for rearing dogs and pigs without licence and violating conditions of the licence
Power to destroy stray dogs and pigs

THE KERALA PANCHAYAT RAJ (GRANTING OF REMISSION TO CONTRACTORS AND LESSEES) RULES, 1998

Short title and commencement
Definitions
Realisation of amount as per contract
Granting of remission
Application for granting of remission

THE KERALA PANCHAYAT RAJ (BURIAL AND BURNING GROUNDS) RULES, 1998

Short title and commencement
Definitions
Providing burial and burning grounds by Panchayat
Certain cemeteries to be deemed registered and to undertake and register or close ownerless cemeteries
No burial and burning ground to be located within the limit of 50 metres of a dwelling house
Issue of licence to burial or burning grounds
Registration of cemeteries
Prohibition of use of ground not registered, licensed or provided to dispose of the corpse
Registers regarding burial and burning to be maintained
Prohibition of cemeteries dangerous to health or overcrowded with graves
Prohibition in respect of corpses
The Panchayat may make bye-laws
Penalty for breach of rules
FORM No. I-III

KERALA BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION AND LAND DEVELOPMENT) RULES, 1999

Short title, commencement and applicability
Definitions
Submission of application for regularisation of unauthorised construction and unauthorised land development
Application fee
Procedure for disposal of the application
Procedure in case the application for regularisat in is rejected
Review by Government of its own orders
TABLE 1
FORM 1

OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS (INQUIRY OF COMPLAINTS AND SERVICE CONDITIONS) RULES, 1999

Short title and commencement
Definitions
Headquarters
Salary and Service Conditions
Other conditions
Staff
Form of the complaint
Copies of the complaint
Statement of affirmation along with the complaint
Copies of the documents produced
Manner of filing of complaint
Fees
Registration of complaints
Assigning of number
Defective complaints
Service of notice on the respondent
Power to suspend the proceedings temporarily
Examination of witnesses and production of documents
Manner and Procedure of conducting Investigation
Establishment of the benches of Ombudsman
Hearing and disposal of the complaint
Prosecution and further action
Rectification of error in the order
Language to be used in the proceedings and orders
Action, if the order of the Ombudsman is not enforced
Giving copy of the order
Certain powers of the Ombudsman
Review
Removal of doubts
SCHEDULE
FORM A-D

THE KERALA PANCHAYATS SUBORDINATE SERVICE RULES, 1994

Short title and commencement
Constitution
Appointment
Appointing Authority
Qualification regarding age
Reservation of appointment
Other qualification
Probation
Special Qualifications
Application of the Kerala State and Subordinate Service Rules, 1958 and the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960
Application of the Kerala Service Rules
Application of the Government Servants Conduct Rules
Procedure for selection of candidates by direct recruitment

THE KERALA PANCHAYAT RAJ (REGISTRATION OF ELECTORS) RULES, 1994*

1. Short title and commencement.— (1) These rules may be called the Kerala Panchayat Raj (Registration of Electors) Rules, 1994.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,

(a) "Ad" means the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(b) "Assistant Electoral Registration Officer" means the officer designated by the State Election Commission under section 15 of the Act.

(c) "Form" means a Form appended to these rules.

(d) "Registration Officer" means the electoral registration officer designated or nominated by the State Election Commission under section 14 of the Act.

(e) "roll" means the electoral roll for a constituency.

(f) "section" means a section of the Act.

(g) Words and expressions used, but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Form and language of roll. — The roll for each constituency shall be prepared in Form No. 1 either in Malayalam or in the regional language of the locality.

4. Preparation of roll in parts. — The roll for each constituency may be divided into convenient parts which shall be numbered consecutively.

5. Order of names.— (1) The names of electors in the roll or in each part of the roll, as the case may be, shall be arranged according to house number,

(2) The names of electors in each part of the roll shall be numbered, so for as practicable, consecutively with a separate series of numbers beginning with the number one.

6. Information to be supplied by occupants of dwelling houses and appointment of enumerators.— (1) The registration officer may, for the purpose of preparing the roll, serve letters of requests in Form 2 to the occupants of dwelling houses in the constituency or any part thereof through his assistant who is authorised for the purpose and every person receiving any such letter shall furnish the information called for therein to the best of his ability to the person serving the letter who will call for it.

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* Published as S.R.O. No. 949/94 **in** K.G.Ex..No.694 dt. 7-7-1994,

(2) In case any question arises as to whether a person is ordinarily resident at a place at a relevant time, the instructions prescribed in Form No.2 of these Rules may also be considered by the State Election Commission for the determination of a person's ordinary residence.

(3) The Heads of Departments, Heads of Offices and Local Authorities shall provide on request from the Electoral Registration Officer, the services of as many teachers and the employees of the Government including teachers of aided schools and employees of Local Authorities as the case may be for working as Enumerators and Supervisors. The Enumerators and Supervisors may be allowed to work part time or whole time, so long as they complete the work within the prescribed period.

7. Access to certain registers.— For the purpose of preparing any roll or deciding any claim or objection to a roll, any registration officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

8. Publication of roll in draft.— As soon as the roll for a constituency is ready, the registration officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 3 at his office and in places as specified in sub-section (2) of section 16 of the Act.

9. Further publicity to the roll and notice.— The registration officer shall also,-

(a) make a copy of each separate part of the roll, together with a copy of the notice in Form 3 available for inspection at a specified place accessible to the public and in or near the area to which that pan relates;

(b) give such further publicity to the notice in Form 3 as the State Election Commission may specify; and

(c) supply free of cost two copies of each separate part of the roll to every political party for which a symbol has been exclusively reserved in the State by the Election Commission of India.

10. Period for lodging claims and objections.— Every claim for the inclusion of a name in the roll and every objection to entry therein shall be lodged within a period of fifteen days from the date of publication of the roll in draft under rule 8 :

Provided that the State Election Commission may, by notification in the Gazette, extend the period in respect of the constituency as a whole or in respect of any part thereof.

11. Form for claims and objections.— (1) Every claim shall be—

(a) in Form 4;

(b) signed by the person desiring his name to be included in the roll, and

(c) countersigned by another person whose name is already included in the roll in which the claimant desires his name to be included.

(2) Every objections to the inclusion of a name in the roll shall be—

(a) in Form 5;

(b) preferred only by a person whose name is already included in that roll; and

(c) countersigned by another person whose name is already included in the roll in which the name objected to appears.

(3) Every objection to a particular or particulars in an entry in the roll shall be-

(a) in Form 6 ; and

(b) preferred only by the person to whom that entry relates.

12. Manner of lodging claims and objections.— Every claim or objection shall-

(a) either be presented to the registration officer or to such other officer as may be designated in this behalf; or

(b) be sent by post to the registration officer.

13. Procedure to be followed by the designated officers.— (1) Every officer designated for the purpose shall-

(a) maintain in duplicate a list of claims in Form 9, a list of objections to the inclusion of names in Form 10 and a list of objections to particulars in Form 11; and

(b) keep exhibited one copy of each such listen a notice board in his office.

(2) Where a claim or objection is presented to him, he shall, after complying with the requirements of sub-rule (1), forward it with such remarks, if any, as he considers proper to the registration officer.

14. Procedure to be followed by the registration officer.— The registration officer also shall-

(a) maintain in duplicate the three lists in Forms 9,10 and 11 entering thereon the particulars of every claim or objection as and when it is received by him whether directly under Rule 12 or on being forwarded under Rule 13; and

(b) keep exhibited one copy of each such list on a notice board in his office.

15. Rejection of certain claims and objections.— Any claim or objection which is not lodged within the period or in the form and manner, herein specified, shall be rejected by the registration officer.

16. Acceptance of claims and objections without inquiry.— If the registration officer is satisfied as to the validity of any claim or objection, he allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of rule 14:

Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the registration officer by any person, it shall not be allowed without further inquiry.

17. Notice of hearing claims and objections.— (1) Where a claim or objection is not disposed of under rule 15 or rule 16, the registration officer shall-

(a) specify in the list exhibited by him under clause (b) of rule 14 the date, time and place of the hearing of the claim or objection; and

(b) give notice of the hearing-

(1) in the case of a claim, to the claimant in Form 12;

(ii) in the case of an objection to the inclusion of a name, to the objector in Form 13 and to the person objected to in Form 14; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 15.

(2) A notice under this rule may be given either personally or through a person duly authorised in this behalf or by registered post or by affixing it to the person's residence or last known residence within the constituency.

18. Inquiry into claims and objections.— (1) The registration officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 17 and shall record his decision thereon.

(2) At the hearing, the claimant or as the case may be, the objector and the person objected to and any other person who, in the opinion of the registration officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The registration officer may in his discretion—

(a) require any claimant, objector or person objected to; to appear in person before him;

(b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

19. Inclusion of names inadvertently omitted.— If it appears to the registration officer that owing to inadvertence or error during preparation, the names if any electors have been left out of the roll and that remedial action should be taken under this rule, the registration officer shall-

(a) prepare a list of the names and other details of such electors ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

20. Deletion of names.— If it appears to the registration officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll, and that remedial action should be taken under this rule, the registration officer, shall-

(a) prepare a list of the names and other details of such electors;

(b) exhibit on the notice board in his office copy of the list together with a notice as to the

time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in that roll, the registration officer shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

21. Final publication of roll.— (1) The registration officer shall thereafter-

(a) prepare a list of amendments to carry out his decisions under rules 16, 18, 19 and 20 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll;

(b) publish the roll, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form 16 at his office; and

(c) subject to such general or special directions as may be given by the State Election Commission, supply free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.

(2) On such publication, the roll together with the list of amendments shall be the electoral roll of the constituency.

(3) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2) the registration officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the State Election Commission in this behalf, the list in to the basic roll by incorporating inclusion of names, amendments, transportation or deletion of entries in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector, as given in the list of amendments.

22. **Appeals from orders deciding claims and objections.—** (1) An appeal shall lie from any decision of the registration officer under rule 18, rule 19 or rule 20 to such officer of Government as the State Election Commission may designate in this behalf (hereinafter referred to as the appellate officer)

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to the registration officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be-

(a) in the form of a memorandum signed by the appellant, and accompanied by a copy of the order appealed against and a fee of Rs.2 (Rupees two) to be paid-

(i) by means of non-judicial stamps, or

(ii) in such other manner as may be directed by the State Election Commission, and

(b) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period.

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the registration officer under rule 21.

(4) Every decision of the appellate officer shall be final, but insofar as it reverses or modifies a decision of the registration officer, shall take effect only from the date of the decision in appeal.

(5) The registration officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

23. **Special provision for preparation of rolls on redelimitation of constituencies.—** (l)If any constituency is delimited anew in accordance with law and it is necessary urgently to prepare the roll for such constituency, the State Election Commission may direct that it shall be prepared-

(a) by putting together the rolls of such of the existing constituencies or parts thereof as are comprised within the new constituency; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the rolls so compiled.

(2) The roll so prepared shall be published in the manner specified in rule 21 and shall, on such publication be the electoral roll for the new constituency.

24. **Revision of rolls.—** (1) The roll for every constituency shall be revised under sub section (2) of section 22 of the Act either intensively or summarily or partly intensively and partly summarily as the State Election Commission may direct.

(2) Where the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and rules 3 to 22 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) When the roll or any part thereof is to be revised summarily in any year, the registration officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in drafts; and the provisions of rules 7 to 22 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) Where at any time between the publication in draft of the revised roll under sub-rule (2) or of the roll and list of amendments under sub-rule (3) and the final publication of the same under rule 21 any names have been directed to be included in the roll for the time being in force under section 24 of the Act, the registration officer shall cause the names to be included also in the revised roll unless there is, in his opinion, any valid objection to such inclusion.

25. **Correction of entries and inclusion of names in electoral rolls.—** (1) Every application under section 23 or sub-section (1) of section 24 of the Act shall be made in duplicate

in such one of [he Forms 4, 6, 7 and 8 as may be appropriate and shall be accompanied by a fee of two rupees.

(2) Every such application as is referred to in sub-rule (1) shall be presented to the registration officer in such manner as the State Election Commission may direct.

(3) Every application for inclusion presented in pursuance of sub-rule (2) shall be countersigned, where necessary, by another person whose name is already included in the roll in which the claimant desires his name to be included.

(4) The fee specified in sub-rule (1) shall be

ta) paid by means of non-judicial stamps ; or

(b) paid in such other manner as may be directed by the Slate Election Commission.

(5) The registration officer shall, immediately on receipt of such application, direct that one copy thereof be displayed in some conspicuous place in his office together with a notice inviting objection to such application within a period of seven days from the date of such display.

(6) The registration officer, shall, as soon as may be after the expiry of the period specified in sub-rule (5), consider the application and objections thereto, if any, received by him and shall, if satisfied, direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary :

Provided that when an application is rejected by the registration officer, he shall record in writing a brief statement of his reasons for such rejection.

26. Appeals from orders.— fl) Every appeal under section 25 of the Act shall be

ta) in the Form of a memorandum signed by the appellant;

(b) accompanied by a copy of the order appealed against and a fee of ten rupees to be .-

(1) paid by means of non-judicial stamps; or

(ii) paid in such other manner as may be directed by the State Election Commission; and

(c) presented to the District Election Officer within a period of fifteen days from the date of the order appealed against or sent by registered post so as to reach him within that period

Provided that the District Election Officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the time prescribed.

(2) For the purpose of sub-rule (1) an appeal shall be deemed to have been presented to the District Election Officer, when the memorandum of appeal is delivered by, or on behalf of, the appellant the District Election Officer himself.

27. Custody and preservation of roll and connected papers.— (1) After the roll for a constituency has been finally published, the following papers shall be kept in the office of the registration officer or at such other place as the District Election officer may by order specify until the expiration of one year after the completion of the next intensive revision of that roll—

(a) one complete copy of the roll;

(b) statements submitted to the registration officer under rule 6;

(c) register of enumeration forms;

(d) application in regard to the preparation of the roll;

(e) manuscript parts prepared by enumerating agencies and used for compiling the roll;

(f) papers relating to claims and objections;

(g) papers relating to appeals under rule 22; and

(h) applications under sections 24 and 25 of the Act,

(2) One complete copy of the roll for each constituency duly authenticated by the registration officer shall also be kept in such place as the District Election Officer may specify, as permanent record.

28. Inspection of electoral rolls and connected papers.— (1) Every person shall have the right to inspect the papers relating to electoral roll referred to in rule 27 and to get attested copies thereof on payment of such fee as may be fixed by the District Election Officer.

29. Disposal of electoral rolls and connected papers.— (1) The papers referred to in rule 27 shall, on the expiry of the period specified therein, and subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be disposed of in such manner as the District Election Officer may direct.

(2) Copies of the electoral roll for any constituency in excess of the number required for deposit under rule 27 and for any other public purpose shall be disposed of at such time and in such manner as the State Election Commission may direct and until such disposal shall be made available for sale to the public.

30. **Use of old** Forms.— If, at any time, during a period of six months from the date on which any amendment to a Form for making any claim, objection or other application to the registration officer under these rules takes effect, a person makes, such claim, objection or, as the case may be, other application in the Form as it stood before such amendment, the registration officer shall deal with such claim, objection or other application and he may, for this purpose, require such person, by notice in writing, to furnish such additional information being the information which would have been furnished if the amended Forms had been used within such reasonable time as may be specified in the notice

FORM I

(*See* Rule 3)

Electoral Roll 19.....

.....(Constituency No.)/.....(Name of Panchayat) Grama Panchayat Constituency

PART .....

Name of Polling Station.....

No. of Polling Station.....

Area of Polling Station

[.....(Constituency No.)/.....(Name of Panchayat) Block Panchayat Constituency

Electoral roll part.....]

[.....(Constituency No.)/.....(Name of Panchayat) District Panchayat Constituency

Electoral roll part.....]

Sl. No.	House No & House Name (in bracket)	Name of Elector	Name of father/ Mother/ Karanavan/ Husband	Male/ Female	Age as on 1st January 1994
(1)	(2)	(3)	(4)	(5)	(6)

Electoral Registration Officer,

.....

Sl. No. of..... .....Part.....

Role.....19..... .....(Year)

List of Amendments 19.....

Sl. No.	House No. & House Name (in bracket)	Name of Elector	Name of father/ Mother/ Karanavan/Husband	Male/ Female	Age as on 1st January 1994
(1)	(2)	(3)	(4)	(5)	(6)

Corrections

Sl. No of entry	Name of Elector	For (Existing entry)	Read (Correct entry)
(1)	(2)	(3)	(4)

Deletions

Sl. No. of entry	Name of Elector
(1)	(2)

Electoral Registration Officer.....

FORM 2

(See Rule 6)

Letter of request

To

The occupant of.....

Sir/Madam,

The preparation of the electoral roll for the Constituencies of the Grama Panchayat in which you are residing has been taken in hand. It will greatly facilitate my work if you will kindly complete the enumeration card below after reading the attached instructions and hand it over to my assistant who will call for it.

Electoral Registration Officer,
of the .....
Grama Panchayat.

Enumeration Card

Name of Grama Panchayat

Name of Constituency

Polling Station number

Ward No. of the Grama Panchayat

House number

House name

Name and particulars of adult citizens ordinarily residing in the above premises.

SI No.	*Name of Citizen*	*Particulars as to father or husband*	*Male or Female*	*Age ax on 1st January, 19.....*
(1)	(2)	(3)	(4)	(5)

Declaration Form

I solemnly declare that the particulars given above are true to the best of my knowledge and belief and that none of the names mentioned above has been included in the electoral roll for any other constituency.

Signature:
Date :

INSTRUCTIONS

1. Enter the name of all persons who have completed 18 years of age on or before the 1st January of this year and who are ordinarily residing in the premises.

2. Only the names of those who are citizens of India should be entered.

3. Enter against SI.No. 1 in the first column, the name of the head or other Senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.

4. Ordinarily residing does not mean that the person should be actually in the house when you are filling in the form. The persons who normally live in the house should be included even though they may be temporarily absent, e.g. on a journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happens to be in the house at the time should not be included.

5. All ordinary residents having the qualifications referred to in item No. 1 and 2 of the house should be included, whether they are members of the family or not, but do not enter the names of any person who is a member of the Armed Forces of India or is employed under the Government of India in a post outside India or the name of such person's wife if she ordinarily resides with him.

6. In the case of ever)' male citizen, enter in the third column the name of his father preceded by the words "son of "

7. In the case of every female citizen, enter in the third column-

(i) the name of the husband preceded by the words "wife of" if she be married ;

(ii) the name of the late husband preceded by the words "widow of" if she be a widow; and

(iii) the name of the father preceded by the words "daughter of' if she be unmarried.

8. In the fourth column, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.

9. Any person who makes a statement or declaration which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the Kerala Panchayat Raj Act, 1994 (!3 of 1994) with imprisonment to a term which may extend to two years or a fine which may extend to Rs.1,000 or with both.

FORM 3

(See Rule 8) **Notice of publication of electoral roll in draft**

To

The Electors of the ..... , constituency.

Notice is hereby given that the electoral roll has been prepared in accordance with the Kerala Panchayat Raj (Registration of Electors), Rules, 1994, and a copy thereof is available for inspection at my office, and at .....during office hours.

The qualifying date for the preparation of the electoral roll is.....

If, with reference to the above said qualifying date there be any claim for the inclusion of a name in the roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the ..... in Form 4,5 or 6 as may be appropriate.

Every such claim or objection should either be presented in my office or sent by post to the address given below so as to reach me before 5 p.m. on the aforesaid date.

Electoral Registration Officer

Place : (Address) .....

Date :

FORM 4

(See Rule 11 (1)&25)

Claim application for inclusion of name

To

The Electoral Registration Officer,

(the name of the Grama Panchayat)

Sir,

I request that my name be included in the electoral roll for the constituency in Part No. ..... relating to .....

My Name (in full)	:
Sex	:
Father's/Mother's/Husband's name	:
Particulars of my place of residence are	:
House No.	:
Street	:
Municipality/Grama Panchayat	:
Post Office	:
Police Station	:
Taluk	:
District	:

I hereby declare that to the best of my knowledge and belief:

(i) I am a citizen of India;

(ii) My age on the first day of January last was ..... years and ..... months ;

(iii) I am ordinarily resident at the address given above ;

(iv) I have not applied for the inclusion of my name in the electoral roll for any other constituency ;

(v) My name has not been included in the electoral roll for this or any other constituency ;

or

My name may have included in the electoral roll in .... Local Authority in which I was ordinarily resident earlier at the address mentioned below, and, if so, 1 request that the same may be excluded from that electoral roll:

Place ....

Date ....

Signature or thumb impression of claimant

I am an elector in the electoral roll in which the claimant applied for inclusion,. name is enrolled at Serial No ..... in Part No.— of the roll. I support this claim and countersign it.

……
Signature of the elector
Name (in full)

Note:— Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under SLVHUH 27 of the Kerala Panchayat Raj Act, 1994 (13 of 1994)

..... (Perforation).....

Intimation of Action Taken

The application in Form 4 of Shri/Smt./Kumari .... Address ....has been-

(a) accepted and his/her name has been included in the electoral roll vide Serial No. ……

(b) rejected for the reason…….

Electoral Registration Officer
Date :..... (Address).....
Dated : ....

.....(Perforation).....

Receipt for application

Received the application in Form 4 from Shri/Smt.Kumari*.....
Address* .....

Electoral Registration Officer
(Address).....
Date: .....

FORM 5

(See Rule 11 (2))

Objection to inclusion of name

To

The Electoral Registration Officer,

…….

(The name of the Grama Panchayat)

Sir,

I object to the incl usion of the name of, at Serial No ……

---

* To be filled in by the applicant.

..... in Part No. .....of the electoral roll for the following reason(s):-

.....

.....

.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

My name has been included in the electoral roll for.....constituency as follows :-

Name in full……

Father's/Husband's/Mother's name .....

Serial No .....

Part No .....

Signature/thumb impression of objector

Date : (Full Postal Address).....

I am an elector included in the electoral roll in which the name objected to appears and my name is enrolled as Serial No…… in Part No……. of support this objection and countersign it.

Signature of the elector

Name (in full) .....

…….

Note:- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section Kerala Panchayat Raj Act, 1994 (13 of 1994).

Intimation of Action Taken

The objection in Form 5 lodged by Shri/Smt/Kumari ……Address.....has been-

(a) accepted and the name of Shri/Smt/Kumari……. as appearing at Serial No ..... in Part No ..... has been deleted.

(b) rejected for the reason .....

Electoral Registration Officer

Date : (Address) .....

Receipt for Application

Received the application in Form 5 from Shri/Smt./Kumari* ..... address* .....

Electoral Registration Officer

Date : (Address) .....

FORM 6

(See Rules 11 (3) and 25)

Objection to particulars in an entry

To

The Electoral Registration Officer

.....

(Name of the Grama Panchayat)

Sir,

I submit that the entry relating to myself which appears at Serial No ..... in Part No ..... of the electoral roll as " ...." is not correct. It should be corrected as follows :-

"....."

Place : Signature or thumb impression

Date : of the elector.

Note :- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the Kerala Panchayat Raj Act 1994 (13 of 1994).

Intimation of Action Taken

The objection in Form 6 lodged by Shri/Smt/ Kumari* ..... Address* ..... has been

(a) accepted and the relevant entry has been corrected to read as follows :-

"..... ....."

(b) rejected for the reason .....

Electoral Registration Officer,

Date: (Address) .....

Receipt for Application

Received the application in Form 6 from Shri/Smt/Kumari* .... Address* .....

Electoral Registration Officer.

Date : (Address) .....

* To be filled in by the applicant.

FORM 7

(See Rule 25)

Application for transposition of entry in electoral roll

To

The Electoral Registration Officer,

.....

(Name of the Grama Panchayat)

---

*To be filled in by the applicant.

Sir,

I submit that the entry relating to myself which appears at Serial No..... ...In Part No ..... of the electoral roll for the ..... constituency relating to *myself, namely ..... son/wife/daughter of.....should be transposed to Part No .....of this roll, because *I have/the said elector has changed *my/his/her place of ordinary residence to.....which is within the constituency.

I declare that I am an elector of this Constituency being enrolled at Serial No..... .....in Part No..... of the roll.

Place : Signature/Thumb impression of applicant

Date : (Full Postal Address) .....

*Strike out the inappropriate words

Note :- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the Kerala Panchayat Raj Act, 1994 (13 of 1994)

..... (Perforation).....

Intimation of Action Taken

The application in Form 7 of Shri/Smt./Kumari..... Address .....has been.-

(a) accepted and the name of Shri/Smt/Kumari.....has been transposed to Part No.....

(b) rejected for the reason.....

Electoral Registration Officer

Date : (Address) .....

.... (Perforation) ....

Receipt for Application

Received the applications in Form 7 from Shri/Shrimati/ Kumari * .... Address *.....

Electoral Registration Officer

Date : (Address).....

*To be filled in by the applicant.

FORM 8

(See Rule 25)

Application for deletion of entry in electoral roll

To

The Electoral Registration Officer,

..... (Name of Grama Panchayat)

Sir,

I submit that the entry at Serial No .....In Part No .....

..... of the Electoral roll for the above mentioned constituency related to *Shri/Smt./ Kumari ..... * son/wife/daughter of .... requires to be deleted as the said person is dead/is no longer ordinarily resident in this locality/*is not entitled to be registered in the electoral roll for the following reasons :-

.....

.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

I declare that I am an elector of this constituency, being enrolled at Serial No .... in Part No. ..... of the roll.

Signature / Thumb impression of objector

Place :

Date :

(Full Postal Address) .....

Note :- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 27 of the Kerala Panchayat Raj Act 1994 (13 of 1994)* Strike out the inappropriate words.

..... (Perforation).....

Intimation of Action Taken

The application in Form 8 lodged by Shri/Smt./Kumari..... Address ..... has been,-

(a) accepted and the name of Shri/Smt/ Kumari.....as appearing at SI. No..... in Part No.....has been deleted.

(b) rejected for the reason .....

Electoral Registration Officer

Date :

Address .....

..... (Perforation).....

Receipt for Application

Received the application in Form 8 from Shri/Smt./Kumari ..... Address *

Electoral Registration Officer

Date :

Address .....

* To be filled in by the applicant.

FORM 9

(See Rules 13 & 14)

List of Claims

Date of No.	*SI claimant*	*Name of husband/mother*	*Name of father/ residence*	*Place of place of hearing*	*Date,lime &*	*Receipt*
(1)	(2)	(3)	(4)	(5)	(6)*	

* To be filled only by the Registration Officer and not by an officer designated under rule 12.

FORM 10

(*See* Rules 13 & 14)

List of objections to inclusion of names

Date of Receipt	*Sl. No.*	*Full name of objector*	*Particulars of Objected to*			*Reasons in brief for objection*	*Date, time and place of hearing*
			Part No.	*Sl. No.*	*Name in full*		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)*

* To be filled only by the Registration Officer and not by an officer designated under rule 12.

FORM 11

(*See* Rules 13 & 14)

List of objections to particulars in entries

Date of Receipt objecting	*Sl. No. entry*	*Name in full of elector*	*Part No.& Sl. No. of hearing*	*Nature of objection*	*Date, time & Place of*
(1)	(2)	(3)	(4)	(5)	(6)*

* To be filled only by the Registration Officer and not by an officer designated under rule 12.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date : Claimant .....

.....Certified that the notice on the claimant has been duly served by me this the .... day of .... on (name) .....personally/ by affixation on residence.

Place :

Date : ……

Serving Officer.

N.B.- If this notice is served by post, attach the receipt here.

FORM 12

(*See* Rule 17 (1) (b) (i))

Notice of hearing of claim

Duplicate

(Office copy)

To

(Full Name & .....

Address of claimant .....

Ref :- Claim No. .....

Take notice that your claim for the inclusion of your name in the electoral roll will be heard

at ..... (Place) at..... O'clock on the ..... day of ..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place :
Date :

Electoral Registration Officer

FORM 12

(See Rule 17 (1) (b) (i))

Notice of hearing of a claim

Original

(To be served on the claimant)

To

(Full name & Address of claimant) .....

Ref:- Claim No.....

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at ..... (Place) at ..... O'clock on the .....day of ..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place :
Date :

Electoral Registration Officer.

FORM 13

(See Rule 17 (1) (b) (ii))

Notice to the objector

Duplicate

(Office copy)

To

(Full name & Address of objector) .....

Ref :-Objection No .....

Take notice that your objection to the inclusion of the name of –

.....

.....

will be heard at ..... (Place) at..... O'clock on the ..... day of..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place :
Date :

Electoral Registration Officer.

FORM 13

(*See* Rule 17 (1) (b) (ii))

Notice to the Objector

Original _____ .....

(To be served on the objector) .....

Ref:- Objection No .....

Take notice that your objection to the inclusion of the name of-

.....

.....

will be heard at.....(Place) at..... O'clock on the.....day of.....You are directed to be present at the hearing with such evidence as you may like to adduce.

Place : Electoral Registration

Date: Officer

CERTIFICATE OF SERVICE OF NOTICE

Received Notice of the date of hearing

Date : Objector .....

..... Certified that the notice on the objector has been duly served by me this the ..... day of..... ..... on (name) ..... personally/by affixing on residence.

Place : Serving Officer.

Date :

N.B :- If this notice is served by post, attach the receipt here.

FORM 14

(See Rule 17 (1) (b) (ii))

Notice to the person in respect of whom objection has been made

Duplicate

(Office copy)

To

(Full name and address .....

of the person objected to) .....

Ref:- Objection No .....

Take notice that the objection to the inclusion of your name at SI No .... in Part ..... of the electoral roll for ..... constituency filed by.

(Full name and address .....

of objector) .....

will be heard at ..... (place) at .... O'clock on the ..... day of ..... you are directed to be present as the hearing with such

evidence as you may like to adduce. The grounds of objections (in brief) are :-

(a)
(b)
(c)

Place ; .....
Date : Electoral Registration Officer.

FORM 14

(*See* Rule 17 (1) (b) (ii))

Notice to the person in respect of whom objection has been made

Original
(To be served on the person objected to)

To
(Full name and address of the person objected to) .....
.....

Ref :- Objection No .....

Take notice that the objection to the inclusion of your name at SI No .... in Part ..... of the electoral roll for ..... constituency filed by

(Full name and address of objector) .....
.....

will be heard at ..... (place) at..... O'clock on the ..... day of ....you are directed to be present at the hearing with such evidence as you may like to adduce. The grounds of objection (in brief) are :-

(a)
(b)
(c)

Place : .....
Date : Electoral Registration Officer,

CERTIFICATE OF SERVICE OF NOTICE

Received Notice of the date of hearing

Date : .....
Person objected to
……

Certified that the notice on the person, the entry relating to whose name has been objected to, has been duly served by me this the ..... day of .... on (name) ..... personally / by affixation on residence.

Place : .....
Date : Serving Officer

N.B. :- If this notice is served by post, attach the receipt here.

FORM I5

(See Rule 17 (1) (b) (iii))

Notice of hearing of an objection to particulars in an entry

Duplicate

(Office copy)

To

(Full name and address ..... of objector) .....

Ref :- Objection No .....

Take notice that the objection to certain particulars in the entry relating to you will be heard at ..... (place) at ..... O'clock on the ..... day of ..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place : Electoral Registration Officer

Date :

FORM 15

(See Rule 17 (1) (b) (iii)

Notice of hearing of an objection to particulars in an entry

Original

(To be served on the objector)

To .....

(Full name & address ..... of objector)

Ref:- Objection No .....

Take notice that the objection to certain particulars in the entry relating to you will be heard at ..... (Place) at ..... O'clock on the ..... day of ..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place :

Date : Electoral Registration Officer

CERTIFICATE OF SERVICE OF NOTICE

Received Notice of the date of hearing

Date : Objector :

……..

Certified that the notice on the objector has been duly served by me this the ..... day of ..... on (name) ..... personally/by affixation on residence.

Place: .....

Date : Serving Officer

N.B. :- If this notice is served by post, attach the receipt here.

FORM 16

(Set-Rule 21 (1))

Notice of final publication of electoral roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for the ..... constituency/constituencies/all the constituencies of ..... grama panchayat has been prepared with reference to ..... as the qualifying date and in accordance with the Kerala Panchayat Raj (Registration of Electors) Rules, 1994. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

Place : Electoral Registration Officer

Date : Address :.....

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

The Government have decided to issue rules in respect of Registration of Electors by invoking the powersconferred under section (1) of section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994). This notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (CONDUCT OF ELECTION) RULES, 1995*

[Translation in English of the Kerala Panchayat Raj (conduct of Election) Rules, 1995, published under the authority of the Governor.]

S.R.O. No. 229/95.— In exercise of the powers conferred by Sections 50, 52, 53, 56, 57,58,60,62,63, 64, 70,74,75, 80,85 and 91 of the Kerala Panchayat Raj, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala in consultation with the State Election Commission, make the following rules, namely.—

RULES

1 Short title and commencement.— (i) These rules may be called the Kerala Panchayat Raj (Conduct of Election) Rules, 1995.

(ii) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994/7)

(b) 'Ballot Box' includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(c) 'Counterfoil' means the counterfoil appended to the ballot paper printed under the provisions of these rules;

(d) 'Form' means a form appended to these rules;

(e) 'Marked copy of the electoral roll' means the copy of the electoral roll set apart for the purpose marking the names of electors to whom ballot papers are issued at an election;

(f) 'Returning Officer' means an officer designated or nominated by the State Election Commission under Section 41 and includes the Assistant Returning Officer appointed under Section 42;

(g) 'Section' means a section of the Act;

(h) Words and expressions used, and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Election of Members.— The direct election of members to the seats of a Village Panchayat, Block Panchayat and District Panchayat shall be in accordance with the provisions of the Act and these rules.

4. Time limit for reporting of casual vacancies.— The Secretary shall report every casual vacancy arising in the office of any Member of a Panchayat to the State Election

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* Published in K.G. No.15 di. 9-4-2002, as No.24560/NU2000/LSGD **dl.** 24-9-2001, **S.R.O.** No. 229/95.

Commission through the concerned President, within one week of arising of that vacancy.

5. Public Notice regarding election.— (1) Not less than thirty days before the date fixed for conducting election, the Returning Officer shall publish a notice in Form Number 1 in regional language or languages inviting nominations, and specifying the place at which the nomination papers are to be submitted, the hours at which the voting is held and about the commencement of the counting of votes.

(2) The notice under sub-section (1) shall be published by affixing in the office of the Returning Officer, Office of the concerned Panchayat and in such other places as may be specified by the State Election Commission.

6. Nomination of candidates.— (1) A candidate shall be nominated by means of a nomination paper in Form No. 2 and on an application in that behalf of an elector in the electoral roll of any constituency of concerned Panchayat, the Returning Officer shall provide him Form No. 2 free of cost.

(2) Every candidate shall make and subscribe an oath or affirmation before the Returning Officer or the person authorised by the State Election Commission in the Form specified in the First Schedule of the Act.

(3) The Returning Officer shall, immediately on receipt of the nomination paper, number them serially in the order of their presentation and shall note the date and time of its presentation in each nomination paper and shall issue a receipt attached to Form No. 2

7. Authentication of Certificate issued by the State Election Commission.— The Secretary to the State Election Commission shall sign and shall affix the office seal on the certificate issued by the State Election Commission under sub-section (3) of Section 52.

8. Deposit amount.— Subject to the proviso to sub-section (1) of Section 53, a candidate shall deposit or cause to be deposited one hundred rupees, one hundred and fifty rupees and two hundred rupees for the purpose of election to a constituency of a Village Panchayat or Block Panchayat or District Panchayat respectively.

9. Publication of list of nominations.— The Returning Officer shall, as soon as the last day and time fixed for the receipt of nomination papers is over, publish a list of nomination received, in Form No. 3 with a notice that the nomination papers will be taken up for scrutiny on the date and the place specified in the notice under Rule 5.

10. List of candidates.— Immediately after the scrutiny of the nomination papers is over, the Returning Officer shall prepare, in Form No. 4 the list of candidates found legally nominated.

11. Withdrawal of candidature.— Notice for withdrawal of candidature shall be in Form No. 5 and on receipt of such notice the Returning Officer shall note the date and time of its delivery thereon and shall issue the receipt attached to the form.

12. Symbols. — (1) As soon as may be after the coming into force of these rules, the State Election Commission shall, by notification in the Gazette, publish a list of symbols and may elaborate or alter them in such manner and the Returning Officer shall then assign symbols of preference to the contesting candidates from such list:

Provided that the candidates belonging to political parties shall be assigned the same symbols assigned by the Election Commission of India:

'[Provided further that in the case of candidates belonging to political party to which Election Commission of India has not assigned symbol, such candidate shall be assigned symbols from the list of symbols published under sub-rule (1) in the order of preference noted by them.]

[2](1 എ) ഭാരത തിരഞ്ഞെടുപ്പ് കമ്മീഷൻ അംഗീകരിച്ചിട്ടുള്ളതോ ഭാരത തിരഞ്ഞെടുപ്പ് കമ്മീഷനിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ളതോ ആയ ഒരു രാഷ്ട്രീയ കക്ഷി രണ്ടോ അതിലധികമോ രാഷ്ട്രീയ കക്ഷികളായി വിഭജിക്കപ്പെടുകയും അപ്രകാരമുള്ള ഓരോ കക്ഷിയും, ഭാരത തെരഞ്ഞെടുപ്പ് കമ്മീഷൻ നിശ്ചയിച്ചുകൊടുത്തിട്ടുള്ളതോ, (1)-ാം ഉപചട്ടത്തിന്റെ രണ്ടാം ക്ലിപ്ത നിബന്ധന പ്രകാരം മുൻഗണനയ്ക്ക് അർഹതപ്പെട്ടതോ ആയ ഒരേ ചിഹ്നത്തിന് അവകാശവാദം ഉന്നയിക്കുന്ന സംഗതിയിൽ, ആ കക്ഷികളിൽപ്പെട്ട സ്ഥാനാർത്ഥികൾക്ക് പ്രസ്തുത ചിഹ്നം അനുവദിച്ചുകൊടുക്കേണ്ടതില്ലാത്തതും അങ്ങനെയുള്ള ഓരോ കക്ഷിയിലും പെട്ട സ്ഥാനാർത്ഥികൾക്ക് (1)-ാം ഉപചട്ടപ്രകാരം പ്രസിദ്ധീകരിക്കപ്പെട്ടിട്ടുള്ള ചിഹ്നങ്ങളിൽ നിന്ന് ഓരോ ചിഹ്നം സംസ്ഥാന തെരഞ്ഞെടുപ്പ് കമ്മീഷൻ അനുവദിച്ചുകൊടുക്കേണ്ടതുമാണ്.

(ബി) (1)-ാം ചട്ടത്തിന്റെ രണ്ടാം ക്ലിപ്ത നിബന്ധന പ്രകാരം ഒരു രാഷ്ട്രീയ കക്ഷിയിൽപ്പെട്ട സ്ഥാനാർത്ഥികൾക്ക് മുൻഗണന അനുസരിച്ച് ചിഹ്നം അനുവദിക്കാവുന്ന സംഗതിയിൽ, ആ രാഷ്ട്രീയ കക്ഷിയിൽപ്പെട്ട സംസ്ഥാനത്തൊട്ടാകെയുള്ള സ്ഥാനാർത്ഥികൾക്ക് സംസ്ഥാന തെരഞ്ഞെടുപ്പ് കമ്മീഷൻ കഴിയുന്നതും ഒരേ ചിഹ്നം അനുവദിച്ചുകൊടുക്കേണ്ടതാണ്.]

(2)If more than one candidate has recorded preference for the same symbol, the Returning Officer shall, after giving notice to the candidate concerned, decide by lot to which candidate that symbol is to be assigned and such decision of the Returning Officer shall be final:

Provided that if it is not possible to assign none of the symbol specified by the candidate in the nomination paper in Form No. 2 the Returning Officer may assign to that candidate any symbol from among the symbols in the list.

(3) In each case where a symbol has been assigned to a candidate, the Returning Officer shall forthwith inform that candidate about the symbol so assigned and supply with a specimen thereof.

[3][(4) ഒരു സ്ഥാനാർത്ഥിക്ക് ചിഹ്നം നിശ്ചയിച്ചുകൊടുത്തുകൊണ്ടുള്ള വരണാധികാരിയുടെ നടപടി സംസ്ഥാന തിരഞ്ഞെടുപ്പ് കമ്മീഷന് പുനപരിശോധിക്കാവുന്നതും, വരണാധികാരിയുടെ നടപടി തെറ്റാണെന്ന് ബോദ്ധ്യമായാൽ മറ്റൊരു ചിഹ്നം അനുവദിച്ചുകൊടുക്കാവുന്നതുമാണ്.]

13.Publication of the list of contesting candidates. — (1) The list under Section 57 shall be in Form No. 6 and the Symbols assigned to the candidates shall be shown against their names therein.

(2) The list under sub-rule (1) shall be published in the notice board of the office of the Returning Officer and the concerned Panchayat.

14. Publication of time fixed for Poll. — The time fixed for taking poll by the State

1. Inserted by **G.O.** (P) 163/95 dated 8-8-1995, published as **SRO** No, 1014/95 in K. G. Ex. No.840 dl. 18-8-1995.
2. Sub-section (1 A) & (B) added by S.R.O. No. 888/2000. w.e.f 26-10-2000. The English translation is not yet received
3. Sub-section (4) added by S.R.O. No. 888/2000, w.c.f 26-10-2000. The English translation is not yet received.

Election Commission under Section 70 shall be published by notification in the gazette.

15. Procedure in uncontested election.— In order to declare a candidate as elected under sub-section (2) of Section 69, the Returning Officer shall fill up Form No.7 and signed copies of it shall be forwarded to the State Election Commission, Government, District Election Officer and the Secretary of the concerned Panchayat and an election certificate in Form No.26 shall be given to the elected candidate by obtaining an acknowledgment receipt.

16. Appointment of election agents.— The notice for appointment of an election agent under Section 58 shall be in Form No.8 and such notice with two copies shall forwarded to the Returning Officer and subject to the conditions of Section 59, the Returning Officer shall return one copy thereof to the election agent after affixing thereon his seal and signature as taken of his authority.

17. Revocation of the appointment of election agents.— Any revocation under sub section (1) of Section 60 shall be in Form No.9 and the appointment of another person under sub section (2) shall be similar to the fresh appointment of an election agent.

18. Appointment of Polling Agents.— (1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as Polling agents at each polling station.

(2) Every such appointment shall be made in Form No. 10 and the Polling agent shall deliver it to the Presiding Officer.

(3) No Polling agent shall be admitted to the Polling Station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) duly filled in and signed the declaration in the presence of the Presiding Officer.

(4) Any revocation of the appointment under sub-section (1} of Section 64 shall be delivered to the Presiding Officer in Form No. 11 and the appointment of another Polling Agent shall be similar to a fresh appointment of a Polling Agent.

19. Appointment of Counting Agents.— (1) A contesting candidate or his election agent may appoint persons not exceeding the number equal to the number of counting tables as his counting agent or agents and notice of such appointment shall be given in Form No. 12 to the Returning Officer not later than one hour before the time fixed for the counting of votes.

(2) Any revocation under sub-section (2) of Section 64 shall be in Form No. 13 and the appointment of another counting agent shall be similar to a fresh appointment of a counting agent.

20. Appointment of Presiding Officers and Polling Officers.— The Appointment of
Presiding Officers and Polling Officers under Section 46 shall be in Form No.14.

21. Application for postal ballot paper.— If an elector on election duty wishes to vote by post at an election shall send an application in Form No. 15 to the Returning Officer so as to reach him at least seven days before the date of poll or before such shorter period as the Returning Officer may allow, and if the Returning Officer is satisfied that the applicant is an elector on election duty a postal ballot paper shall be issued to him.

22. **Postal ballot paper.**—4[(1) പോസ്റ്റൽ ബാലറ്റ് പേപ്പർ, സംസ്ഥാന തിരഞ്ഞെടുപ്പ് കമ്മീഷൻ നിശ്ചയിക്കുന്ന ഫാറത്തിൽ ആയിരിക്കേണ്ടതും അതിൽ കമ്മീ

ഷൻ നിർദ്ദേശിക്കുന്ന വിവരങ്ങൾ അടങ്ങിയിരിക്കേണ്ടതും അതിന്റെ മറുവശത്ത് പോസ്റ്റൽ ബാലറ്റ് എന്ന വാക്കുകൾ അധികമായി മുദ്രണം ചെയ്തിരിക്കേണ്ടതുമാണ്.]

(2) Postal ballot paper shall be sent by post under certificate of posting to the elector together with the following, namely: —

(a) Declaration in Form No. 16;

(b) Instructions for the electors in Form No. 17;

(c) A cover in Form No. 18;

(d) A large cover in Form No. 19;

Provided that the Returning Officer may deliver the ballot paper and forms or cause them lobe delivered to such elector personally.

(3) The Returning Officer shall at the same time —

(a) Record the electoral roll number of the elector on the counterfoil of the ballot paper as entered in the marked copy of the electoral roll;

(b) make a mark T.B.* against the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that the elector is not allowed to vote at a polling station.

(4) Every Officer under whose care or through whom a postal ballot paper is sent to the elector shall ensure its delivery to the addressee without delay.

(5) The Returning Officer shall seal up in a packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

23. Recording of vote in postal ballot paper. — (1) An elector who has received a postal ballot paper and desires to vote on it shall record his vote in accordance with the directions contained in Pan I of Form No. 17 and then enclose it in a cover in Form No. 18.

(2) The elector shall sign the declaration in Form No. 16 before an Officer competent to attest his signature and have the signature attested in accordance with the directions contained in Part 11 of Form No. 17.

(3) After the elector has recorded his vote and made his declaration under sub-rules (1) and (2), he shall return the ballot paper and declaration to the Returning Officer in the cover in Form No, 19 in accordance with the instructions contained in Part II of Form No. 17 so as to reach the Returning Officer before the time fixed for the commencement of counting of votes in that particular constitutency.

(4) If any cover containing a ballot paper is received by the Returning Officer after the

4. Sub-rule (1) substituted by S.R.O. No. 888/2000, w.c.f 26- 10-2000. The English translation is not yet received.Prior to the substitution sub-rule (1) read as under:
"(1) The postal ballot paper shall be in the same form and shall contain the same particulars as a ballot paper in Form No. 20 and shall be stamped with the additional words 'postal ballot' on the reverse side of the ballot paper."

expiry of the time fixed under sub-rule (3), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(5) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballots received by him.

24. Re-issue of Postal ballot paper. — (1) When a postal ballot paper and other papers sent under Rule 22 are, for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request made by the elector.

(2) If the postal ballot paper or any other paper received along with it by the elector is spoiled in such a manner that they cannot conveniently be used, he shall return it to the Returning Officer and the postal ballot paper and other papers may be re-issued to him if the Returning Officer is satisfied that it was not deliberately spoiled.

(3) The Returning Officer shall cancel the spoiled papers returned under sub-rule (2} and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

25. Arrangements at polling station.— (1) Outside each Polling Station there shall he displayed prominently—

(a) a notice specifying the polling area, the electors who are entitled to vote at the polling station, and when the polling area has more than one polling station, the particulars of the electors so entitled; and

(b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up two or more voting compartments in which electors can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot Papers and articles necessary for electors to mark the ballot papers.

26. Admission to Polling Stations. — The Presiding Officer shall regulate the number of electors to be admitted at a time inside the Polling station and shall exclude therefrom all persons other than—

(a) Polling Officers;

(b) Officers on duty in connection with election;

(c) Persons authorised by the State Election Commission;

(d) Candidates, their election agents and subject to the provisions of Rule 18 one polling agent of each candidate;

(e) a child in arms accompanying an elector;

(f) a person accompanying a blind or handicapped or infirm elector who cannot move without help; and

(g) such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of Rule 30 or sub-rule (1) Rule 31 -

27. Ballot boxes used for Poll.— (I) The boxes shall be constructed in such a way that the ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked.

(2) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(3) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such a manner that the slip for the insertion of ballot paper therein remains open.

(4) The seals used for securing a ballot box shall be affixed in such a manner that after the box has been closed it is not possible to open it without breaking the seal.

(5) Where paper seals are not used for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such a manner that the slip for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(6) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with,—

(a) the name of the constituency and the serial number, if any

(b) the name of the polling station and the serial number;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

(7) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the Polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (6).

(8) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer arid the polling agents.

28. **Form of ballot papers.**— (1) Every ballot paper shall have a counterfoil attached thereto and the ballot paper and the counterfoil shall be in Form No.20 and the particulars therein shall be in Malayalam and in such other language as the State Election Commission may direct.

(2) The ballot papers shall be serially numbered and the number assigned to the ballot paper and counterfoil shall be the same.

(3) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(4) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

29. Marked copy of electoral roll.— Immediately before the commencement of the

poll the Presiding Officer shall demonstrate to the polling agents and other persons present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than those entries specified in clause (b) of sub-rule (3) of Rule 22.

30. Facilities for woman electors. — (1) Where a Polling Station is for both men and women electors the Presiding Officer may direct that they shall be admitted into the Polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist woman electors and also to assist the Presiding Officer generally in taking the poll in respect of woman electors, and, in particular, to help in searching any woman elector in case it becomes necessary.

31. Identification of electors. — (1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

[5][(4) ഓരോ സമ്മതിദായകനും പ്രിസൈഡിംഗ് ഓഫീസറോ അല്ലെങ്കിൽ അദ്ദേഹം ഇതിലേക്കായി ചുമതലപ്പെടുത്തിയിട്ടുള്ള പോളിംഗ് ആഫീസറോ ആവശ്യപ്പെടുന്ന പക്ഷം, കേന്ദ്ര തെരഞ്ഞെടുപ്പ് കമമീഷൻ നൽകിയിട്ടുള്ള തിരിച്ചറിയൽ കാർഡ്, റവന്യു കാർഡ്, റേഷൻ കാർഡ്, പാസ്പോർട്ട്, ഡ്രൈവിംഗ് ലൈസൻസ്, ബാങ്ക്, പോസ്റ്റാഫീസിൽ നിന്നും ലഭിച്ചിട്ടുള്ള പാസ് ബുക്ക് എന്നിവയിൽ ഏതെങ്കിലും ഹാജരാക്കേണ്ടതാണ്.]

32. **Challenging of identity.** — (1) Any Polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a some of rupees ten in cash with the Presiding Officer for each such challenge.

(2) In the case of challenge made under sub-rule (1) the Presiding Officer shall —

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form No. 21; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose, —

(a) require the challenger to adduce evidence in proof of the challenge and the person

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5. Sub-rule (4) added by S.R.O. No. 888/2000, w.e.f 26-10-2000

challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the puipose of establishing his identity require him to answer them on oath; and

(cj administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return to the challenger at the conclusion of the inquiry.

33. Safeguards against personation.— (1) Every elector about whose identity the Presiding Officer or the Polling Officer as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rules to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to, the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

[6][(4) In the case where the State Election Commission again conducts an election to a constituency of any Panchayat immediately following an election conducted by the State Election Commission or in the case, where immediately following an election conducted by the State Election Commission to a constituency of any Panchayat, the Election Commission of India proposes to conduct an election in the Assembly Constituency or Lok Sabha Constituency which includes that constituency, or in the case where the State Election Commission conducts an election in a constituency any Panchayat immediately following an election conducted by the Election Commission of India to a constituency in which that constituency of the Panchayat is included the reference in these rules to the forefinger of his left hand of an elector shall be construed as a reference to finger of his left hand or right hand as may be determined by the State Election Commission.]

34. Issue of ballot papers to electors. — (1) Every ballot paper intended for election to a Panchayat, before it is issued to an elector and the counterfoil attached thereto shall be stamped on back with distinguished mark and every ballot paper, before it is issued, shall be

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6. Inserted by **G.O.(P)** No. 84/96/LAD dt 8-4-1996, **published in K.G-Ex.** No. 540 dt. 8-4-1996.

signed in full on its back by the Presiding Officer.

(2) At the time of issuing a ballot paper to an elector, the Polling Officer shall,—

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) obtain the signature or thumb impression of that elector on the said counterfoil, and if the elector is not willing to do so no ballot paper shall be issued to him;

(c) underline the entry relating to the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(d) in the case of woman electors, put a tick mark on the left hand side of the entry in the marked copy of the electoral roll.

(3) No person in the Polling Station shall not down the serial numbers of the ballot paper issued to a particular elector.

35. Maintenance of secrecy of voting within Polling Station and voting procedure.— (1) Every elector to whom a ballot paper has been issued shall maintain secrecy of voting within the Polling Station.

(2) The elector on receiving the ballot paper shall forthwith,—

(a) proceed to one of the voting compartments;

(b) then make a mark on the ballot paper on the side where the names and symbols of the candidates are imprinted, with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required , show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the Polling Station.

(3) Every elector shall vote without undue delay.

(4) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or Polling Officer under the direction of the Presiding Officer and the Presiding Officer shall record on its back the words "cancelled, voting procedure violated" and put his signature below those words.

(6) All the ballot papers on which the words "cancelled, voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot paper, voting procedure violated".

(7) The vote, recorded on any ballot paper cancelled under sub-rule (5) shall not be counted.

36. Recording of votes of blind or infirm electors.— (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any Polling Station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under sub- rule (1), the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any Polling Station on that day.

(2) The Presiding Officer shall keep a record of all such cases in Form No.22.

37. Spoilt ballot papers.— (1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt cancelled" and signed by the Presiding Officer.

(2) All ballot papers cancelled under sub-rule (I) shall be kept in a separate cover.

38. Tendered votes.— (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the other provisions of this rule, to mark a ballot paper (hereinafter referred to in these rules as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in form No.23.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the Polling Station except that,—

(a) such tendered ballot paper shall be serially the last in the total of ballot papers issued for use at the Polling Station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into the ballot box, give it. to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

39. Closing of Poll.— The Presiding Officer shall close a Polling Station at the hour fixed in that behalf in the notice under Rule 5 and shall not thereafter admit any elector into the Polling Station:

Provided that all electors present at the Polling Station before it is closed shall be given necessary identity slips by the Presiding Officer and they shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the Polling Station before it was closed, the decision of the Presiding Officer for that purpose shall be final.

40. Sealing of ballot boxes after poll.— (1) As soon as practicable after closing of the Poll, the Presiding Officer shall close the slit of the ballot box, and where ihe box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

41. Account of ballot papers.— (1) The Presiding Officer shall, after sealing the ballot box, prepare a ballot paper account in para I of Form No.24 and enclose it in a separate cover with the words "ballot paper account" superscribed thereon.

(2) The Presiding Officer shall furnish to every Polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it at a true copy.

42. Sealing of other packets.— (l)The Presiding Officer shall then make into separate packets and seal,—

(a) the marked copy of the electoral roll under sub-rule (2) of Rule 34;

(b) the counterfoils of the used ballot paper;

(c) the ballot papers signed in full buy the Presiding Officer under sub-rule (1) of Rule 34 but not issued to the electors;

(d) any other ballot papers not issued to the electors;

(e) ballot papers cancelled under Rule 35;

(f) any other cancelled ballot papers;

(g) the cover containing tendered ballot papers and the cover containing the list in Forn No.23;

(h) the list of challenged votes in Form No.21; and

(1) any other papers directed by the State Election Commission or the Returning Office to be kept in separate sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the Polling Station and may desire to affix his seal thereon.

43. Transmission of ballot boxes, etc. to the Returning Officer.— (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as tf Returning Officer may direct,—

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets under Rule 42;

(d) all other papers and articles used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets, other papers and articles and for their safe custody until the commencement of the counting of votes.

44. Misconduct in the place fixed for counting of votes,— Any person who at the place and time of the counting of votes misconducts himself or fails to obey the lawful direction of the Returning Officer may be removed from the place where the votes are being counted, by the Returning Officer or by any Police Officer on duty or any person authorised in this behalf by the Returning Officer.

45. Maintenance of secrecy of counting of votes.— The Returning Officer shall, before the commencement of the counting of votes, read out the provisions of Section 125 for information of the person present there.

46. Scrutiny and opening of ballot boxes.— (1) The Returning Officer may open the ballot boxes used at more than one Polling Station and count simultaneously the votes therein.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall follow the procedure laid down in Section 78.

47. Scrutiny and rejection of ballot papers.— (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised by the Returning Officer.

(2) The Returning Officer shall reject a ballot paper,—

(a) If it bears any mark or writing by which the elector can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more than one candidate; or

(d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; or

(e) if it is a spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a serial number, or is of a design different from the serial number, or, as the case may be, design of the ballot papers authorised for the use at the particular polling station; or

(h) if it does not bear the mark and the signature which it should have born under the provisions of sub-rule (1) of Rule 34; or

(i) if vote marked on the ballot paper is not in accordance with the provisions in clause (b) of sub-rule (2) of Rule 35:

Provided that where the Returning Officer is satisfied that any such defect under clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, such ballot paper shall not be rejected.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper, but shall not allow him to handle it.

(4) The Returning Officer shall record on every ballot paper which he rejects, the English alphabet 'R' and the reasons of rejection in precise form either in his own handwriting or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled in a convenient manner.

48. Counting of votes.— (1) Every ballot paper which is not rejected under Rule 47 shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a Polling Station has been completed, the Returning Officer shall record the details regarding hereof in Part II of Form No.24 and in the result sheet in Form No.25 and announce the particulars.

(3) The valid ballot papers of each candidate shall thereafter be bundled separately and be kept along with the bundle of rejected ballot papers in a separate packet and shall be sealed and such of the candidates, election agents or counting agents, as the case may be, who are present there shall be allowed to affix seals thereon and the following particulars shall be recorded thereon by the Returning Officer, namely:—

(a) name of the Panchayat;

(b) name of the constituency;

(c) the particulars of the Polling Station where the ballot papers have been used; and

(d) the date of counting of the votes.

(4) Notwithstanding anything contained in sub-rule{2) and (3) in case where election is conducted simultaneously to Panchayats having more than one level, the details regarding the counting of votes of the Block Panchayat or of the District Panchayat or of both, whichever is necessary, shall be recorded in Part II of Form No. 24 and the particulars .shall be disclosed and such forms and the packets sealed in accordance with sub-rule (3) containing the particulars shall be forwarded to the concerned Returning Officer.

49. Counting to be continuous.— The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents who may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

50. Scrutiny and counting of postal ballot papers.— (1) The Returning Officer shall, before the commences the counting of ballot papers in the ballot box, deal with the postal ballot papers in the manner hereunder provided; namely :-

(a) No cover secured in packets under sub-rule (4) of Rule 23 shall be opened and no vote contained in any such cover shall be counted;

(b) The other covers in Form No. 19 shall be opened one after another and when each cover is opened, the declaration in Form No. 16 contained therein shall be scrutinised first;

(c) If the above said declaration is not found therein or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number entered in Form No.16 differs from the serial number endorsed on the face of the cover in Form No. 18, that cover shall not be opened, and after making an appropriate endorsement thereon, the ballot paper contained therein shall be rejected;

(d) Each such cover so endorsed and the declaration received together with it shall be enclosed in the cover in Form No. 19 and all such covers shall be kept in a separate packet which shall be sealed an on which shall be recorded the name of the Panchayat, name of the constituency, the date of counting and a brief description of its contents.

(2) The Returning Officer shall, then keep all the declarations in Form No.16 which are found to be in order in a separate packet and shall be sealed before any cover in Form No. 18 is opened and on which shall be recorded the particulars referred to in clause (d) of sub-rule (1).

(3) The Returning Officer shall then open the cover in Form No.18 which are not dealt with under the provisions of sub-rule (1) one by one and shall scrutinise each ballot paper therein and shall comply with the procedures in sub-rules (2), (3), (4) and (5) of Rule 47.

(4) The Returning Officer shall then, count all postal votes recorded in favour of each candidate and shall record the details regarding it in the result sheet in Form No.25 and announce the particulars.

(5) The Returning Officer shall then comply with the procedure in sub-rule (3) of Rule 48.

51. Re-count of votes.— (1) After the completion of the counting of votes under Rule 48 and Rule 50, the Returning Officer shall record in the result sheet in Form No.25 the total number of votes recorded in favour of each candidate and announce the particulars.

(2) After the announcement of particulars so made, a candidate or, in his absence his election agent may apply in writing to the Returning Officer to recount the ballot papers either wholly or in pan stating the grounds on which he demands such re-count.

(3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it, in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and shall contain the reason therefor.

(5) If the Returning Officer decides under sub-rule (3) to allow an application either wholly or in part, he shall,—

(a) re-count the ballot papers in accordance with Rules 47, 48 and 50;

(b) amend the result sheet in Form No.25 to the extent necessary after such re count; and

(c) announce the particulars of amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form No.25 and no application or a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting of votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

52. Declaration of result of election.— (1) On completion of procedures under Rule 51 the Returning Officer shall forthwith, subject to the provisions of Rule 53 declare [7](in Form No.25A) the candidate to whom the largest number of valid votes have been given, to be elected under the provisions of Section 80 and shall issue him a certificate of election in Form No. 26 on obtaining an acknowledgment of its receipt.

(2) The Returning Officer shall complete and certify the return of election in Form No. 27 and send signed copies thereof to the State Election Commission , Government, District Election Officer and Secretary of the concerned Panchayat.

53. Counting at two or more places.— If ballot papers are counted at more places than one. the provisions of Rules 44,45,46,47,48 and 49 shall apply to the counting at each such place, but the provisions of Rules 50,51 and 52 shall apply only to the counting at the last of such places.

54. Copy of result sheets.— The Returning Officer shall permit, on an application of any candidate or his election agent to take copy of the result sheet in Form No.25.

55. Custody of ballot boxes and other papers:— (1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct.

(2) The District Election Officer shall keep in safe custody, the packets of used ballot papers whether valid, rejected, cancelled or tendered, packets of unused ballot papers, packets of marked copy of the electoral roll under clauses (c) and (d) of sub-rule (2) of Rule 34 and all other records relating to election, and such packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the order of a competent court and shall arrange to destroy them after one year from the date of declaration of result, with the approval of State Election Commission, unless there is court order to the contrary.

56. Particulars of account of election expenses.— (1) The account of election expenses under sub-section (1) of Section 85 shall contain the following particulars in respect of each item of day-to-day expenditure, namely;—

(a) the date on which the expenditure was incurred or authorised;

(b) the nature of expenditure (as for example, travelling, postage or printing or for other matters of like nature);

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7. Amended by G.O.(P) No. 197/95/LAD di. 27-9-1995, published as S.R.O. No. 1149/95 in K.G.Ex. 973 di 27-9-1995.

(c) the amount of expenditure—

(i) the amount paid;

(ii) the amount outstanding;

(d) the date of payment;

(e) the name and address of the payee;

(f) the serial number of vouchers, in the case of amount paid;

(g) the serial number of bills if any, in case of the amount outstanding;

(h) the name and address of the person to whom the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) with regard to item of expenditure for which vouchers have not been obtained under sub-rule (2).

57.Notice by "[officer authorised by the State Election Commission] for Inspection of account.— The "[officer authorised by the State Election Commission] shall, within two days from the date on which the account of election expenses has been lodged under Section 86, cause a notice to be affixed to his notice board, specifying—

(a) name of candidate;

(b) the date on which the account has been lodged; and

(c) the time and place at which such account can be inspected

58. Inspection of account and obtaining of copies thereof.— Any person shall on payment of a fee of five Rupees, be entitled to inspect any such account under Section 86 and any person on payment of such fee as may be fixed by the State Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.

59. Report by the "[officer authorised by the State Election Commission] as to the lodging of the account of election expenses and the decision of State Election Commission thereon.— (I) As soon as may be after the expiration of the time specified in Section 86 for the lodging of the account of election expenses at any election, the District Election Officer shall report to the State Election Commission,—

(a) name of each contested candidate;

(b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and

(c) whether such account has been lodged within the time and as required by the Act and these rules.

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8. Substituted for "District Election Officer " by **S.R.O.** No, 888/2000, w.e.f. 26-10-2000.
9. Substituted for "District Election Officer " by S.R.O. No. 888/2000. w.e.f. 26-10-2000.

(2) Where the [9](officer authorised by the State Election Commission] is of the opinion that the account of election expenses of any candidate has not been lodged as required by the Act and these rules, he shall with the report under sub-rule (1) forward to the State Election Commission the account of election expenses of such candidate and the vouchers lodged along with it,

(3) A copy of the report forwarded by the District Election Officer under sub-rule (!) shall immediately be published by him in his notice board by affixing the same.

(4) Immediately on receipt of a report in sub-rule (1), the State Election Commission shall examine the same and decide whether any contested candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the State Election Commission decides under sub-rule (4), that a candidate has failed to lodge the account of election expenses, he shall by notice in writing call upon the candidate to show cause why he should not be disqualified under Section 33.

(6) Any candidate who has been called upon to show cause under sub-rule (5) shall within twenty days of the receipt of such notice submit in respect of that matter a representation in writing to the State Election Commission, and that at the same time send to the ^[officer authorised by the State Election Commission] a copy of his representation together with acomplete account of his election expenses if he had not already furnished such an account.

(7) The [9][officer authorised by the State Election Commission] shall, within five days of the receipt thereof, forward to the State Election Commission the copy of the representation and the account, if any. with his comments thereon.

(8) The State Election Commission shall, after considering the representation submitted by the candidate and the comments of the [9]'[officer authorised by the State Election Commission] thereon and after such enquiry as he thinks fit, take an appropriate decision.

60. Maximum amount of election expenses.— The election expenses under Section 85 of a candidate to any constituency of a Village Panchayat, Block Panchayat or District Panchayat shall not exceed five thousand rupees, ten thousand rupees or thirty thousand rupees respectively.

61. The State Election Commission to give direction for conducting election effectively.— The State Election Commission may give necessary directions and take steps, to implement the provisions of these rules effectively in accordance with the provisions of the Act and these rules.

62. Form of affidavit to be filed with election petition.— The affidavit referred to under the proviso to sub-section (1) of Section 91 shall be in Form No. 28 and it shall be sworn before a Magistrate of the fist class or a Notary.

63. Expenses connected with election.— Funds given by the Government under Section 148 shall be adjusted, within one year from the date of election, from the grant – in – aid given to the concerned Panchayat from the Consolidated Fund of the State.

FORM 1

(See Rule 5)

NOTICE OF ELECTION

Election to the .....*Village/Panchayat/Block Panchayat/ District Panchayat from constituency (No. and name) .....

Notice is hereby given for the following matters

1. An election is to be held to elect a member to the seat allotted to the constituency of the Panchayat as specified in the schedule appended;

2. Form of nominations are available from the office of the Returning Officer between the hours of .....and .....from ..... (date) to ..... (date);

3. Nomination papers may be delivered by a candidate or his proposer to any of the officers specified in the table appended to this notice, at his office between 11 a.m. and 3 p.m. on any day (other than public holiday) not later than the ..... day of ..... (month);

4. The nomination papers will be taken up for scrutiny at .....(hours) on .....(date) at the ..... (place);

5. Notice of withdrawal of candidature may be delivered by a candidate or his election agent or his proposer to any of the officers specified in the schedule appended to this notice at his office before 3 p.m. on..... (date);

6. In the event of an election being contested, the poll will take place at.....(place/places) on .....(date) between the hours of ..... and .....

7. The counting of votes will commence on ..... (date) at..... (place/places) at ..... hours.

Place:..... Returning Officer

Date:.....

SCHEDULE

1, Name of the Village/Panchayat/Block Pane hay at/District Panchayat :

2. Number and name of Constituency :

Note:- *This Constituency is reserved for scheduled caste/scheduled tribes/woman/belong to scheduled caste woman/scheduled tribe woman.

TABLE

Designation of Officers	Location of Office

*Strike off whichever is not applicable

1. Returning Officer
2. Assistant Returning Officer

(1)
(2)
(3)

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*Strike off whichever is not applicable

FORM 2

(See Rule 6)

NOMINATION PAPER

Election to the ..... * Village/Panchayat/Block Panchayat/ District Panchayat from Constituency No .....

1. Name of the *Village/Block/District Panchayat
2. Name and number of Constituency
3. Full name of candidate
4. Whether male or female
5. Particulars regarding the number in the electoral roll, Constituency and Panchayat of the candidate
6. Age
7. Postal Address
8. Full Name of the proposer
9. Particulars regarding the number in the electoral roll, Constituency and Panchayat of the proposer
10. If the candidate has affiliated to any political party, name of that party
11. Symbols in the order of priority
    1.
    2.
    3.

DECLARATION OF PROPOSER

I,..... elector No ..... in the electoral roll of ..... Constituency No..... of .....* Village /Panchay at/Block Panchay at/District Panchayat propose the candidate mentioned in this nomination paper and declare that I have not made any other proposal than this.

Signature of proposer

Name of proposer

---

*Strike off whichever is not applicable

DECLARATION OF CANDIDATE

I,..... hereby declare that lam the candidate mentioned herein and that I am willing to stand for election. I also declare that to the best of my knowledge and belief, I am qualified to fill the seat in the Panchayat and not disqualified for being chosen to the said seat.

Signature of candidate

DECLARATION TO BE GIVEN BY A CANDIDATE TO THE CONSTITUENCY NO..... RESERVED FOR SCHEDULED CASTES/SCHEDULED TRIBES

I,..... hereby declare that I belong to..... community of ..,..... /religion and therefore I am a member of the scheduled caste/scheduled tribe.

Signature of the candidate

(To be filled by the Returning Officer)

Serial No .....

This nomination paper was delivered to me at ..... (hours) on..... (date) by the * candidate/proposer.....(name).

Date: Returning Officer

DECISION OE RETURNING OFFICER ACCEPTING OR REJECTING THE NOMINATION PAPER

I have examined this nomination paper in accordance with Rule 6 of the Kerala Panchayat Raj (Conduct of Election) Rules, 1995 and decided as mentioned hereunder:

Date: Returning Officer

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY

(To be handed over to the person presenting the nomination paper)

Serial number of nomination paper:

The nomination paper of Shri/Smt..... a candidate for election to the Constituency No..... of the.... *Village Panchayat/ Block Panchayat/District Panchayat was delivered to me at my office at..... (hour) on .....(date) by Shri/Smt..... the candidate/proposer.

All nomination papers will be taken up for scrutiny at..... (hour) on ..... (date) at..... (place)

Returning Officer

Date:

*Strike off whichever is not applicable

FORM 3

(See Rule 9)

LIST OF NOMINATION PAPER RECEIVED

Election to the ..... * Village Panchayat/Block Panchayat/District Panchayat from Constituency of.....

Sl. No.	Name of Candidate	Father's Karanavar's or Husband's name	Postal address	Age	Name of Proposer
(1)	(2)	(3)	(4)	(5)	(6)

NOTICE

The nomination papers will be taken up for scrutiny at.....a. m/p.m on..... day of.....(month) .....(year) at .....(place).

Returning Officer

Place: Date:

*Strike off whichever is not applicable

FORM 4

(See Rule 10)

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the..... *Village Panchayat/Block Panchayat/District Panchayat from Constituency .....

Sl No.	Name of Candidate	Address
(1)	(2)	(3)

Note.- The Poll will be taken between..... a.m/p.m/ and..... a.m./p.m. on .....at the Polling Station already notified.

Returning Officer

Place: Date :

*Strike off whichever is not applicable

FORM 5

(See Rule 11)

NOTICE OF WITHDRAWAL OF CANDIDATE

Election to the ..... *Village Panchayat/Block Panchayat/ District Panchayat from Constituency .....

The Returning Officer,

……

I,..... a candidate validly nominated at the above said election do hereby give notice that I withdraw my candidature.

Place: Signature of Candidate

Date: _____

(To be filled by the Returning Officer)

This notice was delivered to meat .....(hour) on.....(date) by.....(name) the candidate/proposer/election agent who has been authorised in writing by the candidate.

Place: Returning Officer

Date:

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by Shri/Smt ..... a validly nominated candidate at the election to the ..... *Village Panchayat/Block Panchayat/District Panchayat from ..... Constituency was delivered to me by .....(name) *the candidate/ proposer/election agent who has been authorised in writing by the candidate at my office at... (hour) on ..... (date).

Place: Returning Officer

Date:

---

* Strike off whichever is not applicable.

FORM 6

(See Rule 13)

LIST OF CONTESTING CANDIDATES

Election to the .....*Village Panchayat/Block Panchayat/ District Panchayat from Constituency .....

Sl. No.	**Name of Candidate	Postal Address	Symbol allotted
(1)	(2)	(3)	(4)

Returning Officer

Place:

Date:

*Strike off whichever is not applicable

**Names shall be prepared in the order of Malayalam alphabet.

FORM 7

(See Rule 15)

(For use when a seat is uncontested)

DECLARATION OF RESULT OF ELECTION UNDER SUB-SECTION (2) OF SECTION 69 OF THE KERALA PANCHAYAT RAJ ACT, 1994 (13 OF 1994).

Election to.....the * Village Panchayat/Block Panchayat/District Panchayat from Constituency.....

In pursuance of the provisions contained in sub-section (2) of Section 69 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and Rule 15 of the Kerala Panchayat Raj (conduct of election Rules). 1995,1 declare that Shri/Smt.....(name) ..... (address) sponsored by.....(name of recognised/registered Political party) has been duly elected to fill the seat in that Panchayat from (he above said Constituency.

Signature of Returning Officer

Place: Date :

---

*Strike off whichever is not applicable

FORM 8

(See Rule 16)

APPOINTMENT OF ELECTION AGENT

Election to ..... the *Village Panchayat/Block Panchayat/ District Panchayat from Constituency .....

The Returning Officer,

.....

.....

I,.....a candidate at the above said election do hereby appoint .....(name and address) as my election agent from this day at the above said election.

Signature of candidate.

Place:

Date:

1 accept the above appointment. I declare that to the best of my knowledge and belief, 1 have no disqualification to act as an election agent. Place: Date :

Signature of the election agent

Appointment approved

Place:

Date : Signature of Returning Officer

(Office seal)

---

*Strike off whichever is not applicable.

FORM 9

(See Rule 17)

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to..... * Village Panchayat/Block Panchayat/ District Panchayat from Constituency.....

The Returning Officer,

I, ...a candidate at the above said election, hereby revoke the appointment ofShri/Smt.....as my election agent.

Signature of candidate.

Place:
Date:

---

*Strike off whichever is not applicable.

FORM 10

(See Rule 18)

APPOINTMENT OF POLLING AGENT

Election to.....* Village Panchayat/Block Panchayat/ District Panchayat from Constituency .....

To

The Presiding Officer.
Polling Station No .....
Constituency.....

I,..... a candidate/election agent of Shri/Smt .... who is a candidate at the above said election do hereby appoint Shri/Srnt ..... as a Polling agent at Polling Station No ..... at ..... (place)

Place: Signature of candidate/Election Agent

Date;

1 agree to act as Polling agent

Place: Signature of the Polling Agent

Date:

DECLARATION TO BE SIGNED BY THE POLLING AGENT BEFORE THE PRESIDING OFFICER

I, ... polling agent of Shri/Smt..... do hereby declare that at the election for constituency ..... (No.& Name) I will

no do anything that may violate the secrecy of the election or any provision of the Act or rules regarding this election.

Signature of Polling Agent (date)
Signed before me.

Place: Presiding Officer

Dale:

---

* Strike off whichever is not applicable.

FORM 11

(Set Rule 18)

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to ..... *the Village Punch ay at/Block Panchayat/ District Panchayat from Constituency .....

To

The Presiding Officer,
Polling Station No .....
Constituency .....

I,..... a candidate/an election agent of Shri/Smt..... ..... who is a candidate at the above said election, hereby revoke the appointment of Shri/Smt ..... as my/candidate's polling agent.

Place: Signature of person revoking
Date:

---

*Strike off whichever is not applicable.

FORM 12

(See Rule 19)

APPOINTMENT OF COUNTING AGENT

Election to.....the Village Panchayat/Block Panchayat/ District Panchayat from Constituency .....

To

The Returning Officer,
……
……

I .....a candidate/an election agent of Shri/Smt ..... who is a candidate at the above said election do hereby appoint Shri/Smt..... as my/candidate's counting agent to attend the counting of votes at..... (place)

Signature of candidate/Election Agent

Place:
Date:

I agree to act as such counting agent.

Signature of Counting Agent

Place:
Date:

DECLARATION TO BE SIGNED BY THE COUNTING AGENT BEFORE THE RETURNING OFFICER

I do hereby declare that I will not do anything that may violate the secrecy of the election or any provision of the Act or Rules regarding this election.

Place:
Date:

Signature of Counting Agent

Signed before me

Returning Officer

Place:
Date:

---

*Strike off whichever is not applicable.

FORM 13

(See Rule 19)

REVOCATION OF APPOINTMENT OF COUNTING AGENT

Election to .....the *VilIage Panchayat/Block Panchayat/ District Panchayat from Constituency .....

To

The Returning Officer,

I, ...a candidate/an election agent of Shri//Smt. ..... a candidate at the abovesaid election, hereby revoke the appointment of Shri/Smt ..... as my/candidate's counting agent.

Place: Signature of Person revoking

Date:

---

*Strike off whichever is not applicable.

FORM 14

(See Rule 20)

ORDER OF APPOINTMENT OF PRESIDING OFFICERS AND POLLING OFFICERS

In pursuance of Section 46 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and Rule 20 of the Kerala Panchayat Raj (Conduct of election) Rules, 1995. 1 hereby appoint the Officers specified respectively in columns (2) and (3) of the Table below as the Presiding Officer and Polling Officers, as the case maybe, for the Polling Station Specified against them in column (1) of Table for constituency..... of the ..... *Village Panchayat/Block Panchayat/District Panchayat.

I authorise the Polling Officer specified in column (4) of the Table to perform the functions of the presiding officer at the polling station specified against that entry, during the absence of the Presiding Officer due to illness or any unavoidable reasons.

TABLE

No. and name of Polling Station	Name of Presiding Officer	Name of Polling Officers	Name of the Polling Officer authorised to perform the functions of the Presiding Officer in the absence of the Presiding Officer
(1)	(2)	(3)	(4)

The Poll will be held on .....(date) between..... a.m/p.m to.....a.m/p.m. The Presiding Officer shall collect the Polling materials from .....(full address of the place of supply) before. (date) and after pole these shall be returned to (full address of the collecting centres).

Place: Signature of District Election Officers
Date: .....District

*Strike off whichever is not applicable.

FORM 15

(See Rule 21)

APPLICATION FOR POSTAL BALLOT PAPER

To

The Returning Officer,

Sir,

I am an elector of the constituency ..... of ..... *Village Panchayat/Block Panchayat/District Panchayat and I am entitled to vote on ..... at..... Polling Station. I have been posted on election duty on ..... at..... Polling Station No ..... of ..... constituency/ward of ..... Municipality/Panchayat. l am therefore unable to vote in person at the Polling Station mentioned above.

Under Rule 21 of the Kerala Panchayat Raj (conduct of election) Rules, 1995.1 request that I may be allowed to vote by postal ballot and issue the postal ballot paper. Necessary

particulars are specified below:

1. Name
2. Address
3. Serial number in the electoral roll
4. Serial number ot the part ot the electoral roll

Place; Signature

Date: Designation

---

*Strike off whichever is not applicable.

FORM 16

(See Rule 22)

DECLARATION BY ELECTOR

Election to the.....*Village Panchayat/Block Panchayat/ District Panchayat from constituency.....(No.& Name)

I hereby declare that I am the elector of the above constituency to whom the postal ballot paper bearing serial number..... has been issued at the above said election.

Signature of elector.

Address:

ATTESTATION OF SIGNATURE

The above has been signed in my presence by..... the elector, who is personally known to me/has been identified to my satisfaction by..... (identifier) who is personally known to me.

Signature of identifier, if any :

Address :

Signature of attesting Officer :

Designation and address :

Date:

---

*Strike off whichever is not applicable.

FORM 17

(See Rule 22)

DIRECTIONS TO THE ELECTORS

Election to the.....*Village Panchayat/Block Panchayat/ District Panchayat from constituency.....(No.& Name)

The persons whose names are on the ballot paper sent herewith are candidates at the above election.

If you desire to vote you should record your vote in accordance with the directions given in Part I below and then follow the instruction detailed in Part II.

---

*Strike off whichever is not applicable.

PART I

DIRECTIONS TO THE ELECTORS

(a) The number of members to be elected is one

(b) You have only one vote

(c) You should not vote for more than one candidate. If you do so, your vote will be invalid.

(d) Record your vote by placing clearly a mark opposite to the name of the candidate to whom you wish to give your vote and near to his symbol.

(e) The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. It" the marks is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.

(f) Your vote is secret. You should not put your signature on the ballot paper or any mark on it which will reveal your identity. If you do so, your vote will be invalid.

PART II

FOR THE NOTICE OF ELECTORS

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'C' sent herewith. Close the cover and secure it by seal or otherwise.

(b) You shall then sign the declaration in Form No.16 also sent herewith in the presence of an officer competent to attest your signature. Such Officer shall be a stipendiary Magistrate or any gazetted officer to whom you are personally known or to whose satisfaction you have been identified. Take the declaration to any such officer and sign in his presence after he has satisfied about your identity. The officer will attest your signature and return the declaration to you. You shall not show your ballot paper to the attesting officer and not tell him how you have voted.

(c) After the declaration has been signed and the signature has been attested as stated above, place that declaration and also the smaller cover (Form No. 18) containing the ballot paper in a larger cover (Form No. 19). After closing the larger cover send that prepaid cover (no postage stamp need be affixed) to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover.

(d) You must ensure that the cover reaches the Returning Officer before the time fixed for the commencement of the counting of votes in that particular constituency.

(e) (i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected.

(ii) If the cover reaches the Returning Officer after the commencement of the counting of votes in that particular constituency your vote will not be counted.

FORM 18

(See Rule 22)

SMALL COVER

FORM 18 (C)

(NOT TO BE OPENED BEFORE COUNTING)

Election to..... *Village Panchayat/Block Panchayat/ Districl Panchayat at from **Constituency.....

POSTAL BALLOT PAPER

Serial number of ballot paper .....

---

* Slrike off whichever is not applicable

** Appropriate particulars of the election to be filled here.

FORM 19

(See Rule 23)

LARGE COVER

FORM 19 ELECTION - IMMEDIATE

POSTAL BALLOT PAPER

For *Constituency ..... (No. and Name) of..... ..... *Village Panchayat/Block Panchayat/ District Panchayat

(NOT TO BE OPENED BEFORE COUNTING

To

The Returning Officer,

**.....

.....

.....

Signature of sender.....

---

*The Returning Officer to insert here the appropriate particulars regarding election. ** Returning Officer to mention here his full address.

FORM 20

(See Rule 28)

BALLOT PAPER

(Here print the name of Village/Block/District Panchayat).

(Here print the number and name of Constituency)

Electoral roll part No .....

Serial No. of elector .....

(Here print the number of ballot paper)

Signature/Thumb impression of the elector

(Here print the name of Village/Block/District Panchayat).

(Here print the number of ballot paper) (Here print the number and name of constituency)
(Here print the name of candidates)

FORM 21

(See Rule 32)

LIST OF CHALLENGED VOTES

Polling station.....of constituency .....
of .... *Village/Block/District Panchayat.

Name of elector on the electoral roll	Name	Address	Order of Presiding Officer	Signature or thumb impression of challenged person, if Illiterate with the signature of witness

Place: Signature of Presiding Officer
Date :

* Strike off whichever is not applicable

FORM 22

(See Rule 36)

LIST OF BLIND AND IN INFIRM VOTERS

Polling station.....of constituency .....
of .... *Village/Block/District Panchayat.

Name of elector on the electoral roll	Full name of elector	Full name of companion	Address of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

Place: Signature of Presiding Officer
Date :

* Strike off whichever is not applicable

FORM 23

(See Rule 38)

LIST OF TENDERED VOTES

Polling Station ..... of Constituency ..... of.....*Village/Block/DistrictPanchayat.

Number of the elector on the electoral roll	Name of elector	Address of the elector	Signature of elector (if literate thumb impression of the elector with the signature of witness)
(1)	(2)	(3)	(4)

Place:
Date :

Signature of Presiding Officer

* Strike off whichever is not applicable

FORM 24

(See Rule 41)

PART I

BALLOT PAPER ACCOUNT

Polling Station ..... (No. and Name) of Constituency .. (No. and Name) of .. .. *Village/Block/DistrictPanchayat.

	Serial Number From	To	Total Number
1. Ballot paper received :			
2. Ballot paper unused :			
(ie. not issued to electors)			
(a) With the signature of Presiding Officer :			
(b) Without signature of Presiding Officer :			
(c) Total (a+b) :			
3. Ballot papers used at the Polling Station (1-2=3) :			
4. Ballot papers used at the Polling Station but not inserted in the ballot box- :			

(a) Ballot papers cancelled for violation of voting procedure under sub-rules (5) and (6) of Rule 35

(b) Ballot papers cancelled for any other reason :

(c) Ballot papers used as tendered ballot papers :

(d) Total (a + b + c) :

5. ** Number of ballot papers to be found in the ballot box (3-4 = 5) :

Date: Signature of Presiding Officer

*Strike off Whichever is not applicable.
**Serial numbers need not be given.

PART II

RESULT OF COUNTING

I	Name of Candidates	No. of valid votes cast in favour
(a)		
(b)		
(c)		
(d)		
(e)		
II	Number of rejected ballot papers	
III	Total	

Whether the total number of ballot papers shown against item No. III above tallies with the total shown against item 5 of Part I, if not, what is the difference between them.

Place: Signature of Returning Officer
Date:

FORM 25

(See Rule 48)

RESULT SHEET

Election to the..... * Village/Block/District Panchayat from Constituency .....

Name of Constituency :

Number of the Constituency :

Total number of electors in the Constituency :

SI. No. and Name of Polling Station	Number of valid votes cast in favour of A. B.C. D....	Number of valid votes	Number of invalid votes	Total	Number of tendered votes
(D	(2)	(3)	(4)	(5)	(6)

Number **of votes** recorded at polling station	
Number of votes recorded in favour of postal ballot papers	
Total votes polled	

Place:
Date:

Signature of Returning Officer.

* Strike off whichever is not applicable.

[10][FORM 25 A

(See Rule 52)

(For use when a seat is contested)

DECLARATION OF RESULT OF ELECTION UNDER SECTION 80 OF THE KERALA PANCHAYAT RAJ ACT, 1994 (13 OF 1994)

Election to.....**Village Panchayat/Block Panchayat/District Panchayat from constituency .....

In pursuance of the provisions contained in Section 80 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and Rule 52 of the Kerala Panchayat Raj (Conduct of Election) Rules, 1995.

I declare that Shri/Smt .....(address) sponsored by ..... (name of the recognised/registered political party) has been duly elected to fill the seat in the Panchayat from the above Constituency.

Place:
Date :

Signature of Returning Officer

** Strike off whichever is not applicable.

10. Form 25A inserted by S.R.O. No. 1149/95. w.e.f. 27-9-1995. published in K.G.Ex. No. 973 dl. 27-9-1995.

FORM 26

(See Rule 15 and 52)

CERTIFICATE OF ELECTION

Election to ..... ** Village/Block/District Panchayat from Constituency .....

I ..... , Returning Officer certify that I have on the ..... day of..... (month) of..... (year) declared..... (Name) ..... (address) to have been duly elected to be a member from the Constituency ..... of ..... * Village/Block/District Panchayat and that in token thereof 1 have granted him this certificate of election.

Place: Signature of Returning Officer

Date:

** Strike off whichever is not applicable.

FORM 27

(See sub-rule (2) of Rule 52)

RETURN OF ELECTION

Election to... .. *'Village /Block/District Panchayat from Constitutency…….

Serial. Number	Name of Candidate	Political affiliation, if any	Number of valid votes	Number of valid postal	Total
(1)	(2)	(3)	(4)	(5)	(6)

Total number of electors :

Total number of valid votes :

(including those in the ballot box and those by post)

Total number of invalid votes :

(including those in the ballot box and those by post)

Total number of tendered votes

I hereby declare that Shri/Smt.....(name), ... (address) has been duly elected to fill the seat of .....*Village/Block/District Panchayat from Constituency .....

Place: Returning Officer
Date :

---

* Strike off whichever is not applicable.

FORM 28

(See Rule 62)

AFFIDAVIT

I ....., the petitioner in the accompanying election petition calling in question the election of Shri/Smt ..... (Respondent No .....in the election petition) solemnly affirm/ oath and state,—

(a) that the statements made in paragraphs..... of the accompany ing election petition about the commission of corrupt practice of* .... and the particulars of such corrupt practice included in paragraph.....of the same petition and in paragraphs of..... of the schedule annexed thereto are true to my knowledge;

(b) that the statements made in paragraphs.....of the said petition about the commission of the corrupt practice of *..... and the particulars of such corrupt practice included in paragraphs ..... of the said petition and in paragraphs ..... of the schedule annexed thereto are true to my information;

(c)

(d)

(Signature)

Shri/Smt ..... has solemnly affirm before me at ..... on this ..... day of..... (month) ..... (year)

Magistrate of First Class /Notary

Here specify the name of corrupt practice.

Explanatory Note

(This does not form part of the Notification, but is intended lo indicate its general purport.)

Sub-section (1) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make rules, to carry out all or any of the provisions of the Act. The direct election of the members to the seats of a Panchayat shall be in accordance with the provisions of the Act and the rules made thereunder. Moreover, the Government have to prescribe the manner of issuing the public notice and form for the election under Section 50, the form of nomination paper under Section 52, the deposit amount under Section 53, the particulars to be included in the notice of withdrawal of candidature under Section 56, the manner of publication of list of contesting candidates and the form under Section 57, the manner of appointment of election agent under Section 58, the manner of appointment of another election agent under Section 60 when the revocation of the appointment or death of an election agent occurs, the manner of appointment of Polling agent under Section 62, the manner of appointment of another polling agent or a counting agents under Section 64. When the revocation of the appointment or death of a Polling agent or a counting agent occurs the manner of publication of the hours fixed for polling under Section 70, the manner of voting in election under Section 74, the procedure for preventing personation of voters under Section 75, the manner of declaration of result of the election under Section 80, the particulars to be included in the accounts of election expenses and the maximum limit of election expenses under Section 85 and the form of affidavit under Section 91. The Government intends to make rules for the conduct of direct election of members lo the seats of Panchayat, to prescribe the forms, to prescribe the amount to be deposited for the nomination as per the rules and to prescribe the maximum limit of election expenses. This Notification is intended to achieve the above object.

THE KERALA PANCHAYAT RAJ (ELECTION OF PRESIDENT AND VICE-PRESIDENT) RULES,1995*

[Translation in English of the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995, published under the authority of the Governor.]

S.R.O. No. 259/95.— In exercise of the powers conferred by section 1534 of the Kerala Panchayat Raj Act, 1994 (13 of 1194), read with section 254 thereof and in consultation with the State Election Commission, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement.— (1) These rules may be called the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995. (2) They shall come into force at once.

2. Definitions,— In these rules unless the context otherwise requires,-

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Form' means a form appended to these rules;

(c) 'Section' means a section of the Act;

(d) 'Returning Officer' means the officer designated or nominated by the State Election Commission under sub-section (6) of section 153;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. The manner of allotment by rotation of the reserved seats of the Panchayat Presidents to various Panchayat.— (1) The seats of President reserved for women or the Scheduled Castes and Scheduled Tribes, as the case may be, under sub-section (3) of section 153 in a general election to Village Panchayats or Block Panchayats of District Panchayats in the State shall not be reserved to the same Panchayats in the succeeding general election.

(2) The '[State Election Commission] shall notify the reserved seats before issuing the notification of the general election under sub-section (2) of section 38.

4. The manner of and the time limit for intimation of casual vacancies.— The Secretary concerned shall report to the State Election Commission the casual vacancy occurring in the office of the President or Vice-President of the Panchayat within one week from the occurrence of the vacancy.

5. The manner of convening of election meeting.— (1) The election of President or Vice-president or both shall be held in a meeting of the elected members of the Panchayat specially convened for this purpose by the Returning Officer and such meeting shall, as far as possible, be held in the office of the concerned Panchayat.

(2) Such meeting shall be convened, in the case of an ordinary vacancy, within three weeks from the date of publicatign of the names of members by the State Election Commission and in the

* Published in K.G. Ex. No. 1129 dt.2-8-2001, as S.R.O. No. 259/95.

1. Substituted for "Government " by S.R.O. No. 315/2000, w.e.f. 24-3-2000.

case of the casual vacancy, as soon as after the occurrence of the vacancy, on such date as may be fixed by the State Election Commission.

(3) The Returning Officer shall give notice regarding the place date and time of the meeting to the members at least seven clear days before the day of meeting and shall exhibit a copy of such notice in the notice board of the Panchayat concerned.

[IA][Provided that in the case of election of the President and the Vice-President conducted for the first time after a general election conducted as per sub-section (1) of Section 38, such notice need be given before three clear days],

Explanation.— In computing clear days, Sundays and other holidays shall be included but the date of the meeting and date of issue of notice shall be excluded.

[2]**[6. Quorum.**— In the meeting summoned by the Returning Officer under sub-rule (2) of Rule 5, if at least half the number of members of the concerned Panchayat who have the right to vote are not present , the meeting shall be postponed to be held at the same time for the next working day and the election shall be conducted in the meeting so convened without insisting the quorum.]

7. Nomination of candidates.— (1) In the case of election of the President or Vice-President, as the case may be, .1 uiember shall nominate another member of the Panchayat concerned as a candidate and yet another member shall support it, and in case the person nominated is not present , a consent of the person so nominated agreeing to be a such a candidate shall also be produced:

Provided that a member shall not either propose or support more than one name.

'[Provided further that, in the case where, the places of President have been reserved for women or for scheduled caste and scheduled tribes or for their women under Section 153, it shall not be mandatory that such a member shall be proposed as a candidate by another member and seconded by yet another member].

(2) The Returning Officer shall, in the meeting read out the names of the candidates found to have been duly nominated on scrutiny and the names of their proposers and supporters.

(3) No member, who has not taken oath or affirmation under sub-section (2) of section 152, shall take part of vote in the election of the President or Vice - President under these rules.

8. Election procedure.— (1) If there is only one candidate duly nominated to the office of the President or Vice-President, as the case may be, no voting shall be conducted and the returning officer shall declare that candidate to have been elected as President or Vice-President, as the case may be.

(2)If there are more than one candidate for one office voting shall be conducted as per rule 9.

9. The manner of recording of votes, conducting of votes and declaration of result.— (1) The Returning Officer shall supply to each member wishing to vote in the election of president or vice-president, as the case may be, a ballot paper in Eorm I.

(2) The ballot paper shall contain the names of all contesting candidates on one side and the seal and full signature of the Returning Officer on the reverse side.

IA. Inserted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G. Ex. No. 947 dated 21.9.1995.

2. Substituted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G. Ex. No. 947 dated 21.9.1995. Prior to the substitution it read as under:
"6. Quorum.— No election of the President or the Vice-President shall be held in a meeting it" at least one half number of the members of the Panchayat concerned having right to vote are not present at that meeting."

3. Inserted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G. Ex. No. 947 dated 21.9.1995.

[4] [{3) ഓരോ അംഗവും ബാലറ്റ് പേപ്പർ കിട്ടിയാലുടൻ തന്നെ, ബാലറ്റ് പേപ്പറിൽ അയാൾ വോട്ടുചെയ്യാൻ ഉദ്ദേശിക്കുന്ന സ്ഥാനാർത്ഥിയുടെ പേരിനെതിരെ 'x'എന്ന അടയാളം ഇടേണ്ടതും ബാലറ്റ് പേപ്പറിന്റെ പുറകുവശത്ത് അയാളുടെ പേരും ഒപ്പും എഴുതി വരണാധികാരിയെ ഏൽപ്പിക്കേണ്ടതുമാണ്.]

[x x x x (4) (5) (6)]

(7 വോട്ടെടുപ്പ് പൂർത്തിയാക്കിയ ശേഷം വരണാധികാരി, അംഗങ്ങളുടെ സാന്നിദ്ധ്യത്തിൽ, 6[ബാലറ്റു പേപ്പറുകൾ എണ്ണേണ്ടതും ഓരോ അംഗവും ഏതു സ്ഥാനാർത്ഥിക്കാണ് വോട്ടു രേഖപ്പെടുത്തിയതെന്ന് പ്രഖ്യാപിക്കേണ്ടതും തുടർന്ന് ഓരോ സ്ഥാനാർത്ഥിക്കും കിട്ടിയ വോട്ടുകൾ എണ്ണി തിട്ടപ്പെടുത്തി] താഴെ പറയുന്ന രീതിക്കനുസൃതമായി തിരഞ്ഞെടുപ്പുഫലം പ്രഖ്യാപിക്കേണ്ടതുമാണ്, അതായത്:–

(a) If there are only two candidates then, the person who has secured more valid votes shall be declared to have been elected and in the event of both the candidates securing equal numbers of valid votes, lots shall be drawn in the meeting and the person whose name is drawn first shall be declared to have been elected.

7 [(എഎ)മൽസരിക്കുന്ന സ്ഥാനാർത്ഥികൾ രണ്ടിലധികം ഉണ്ടായിരിക്കുന്ന സംഗതിയിൽ ഒരു സ്ഥാനാർത്ഥിക്കു മറ്റെല്ലാ സ്ഥാനാർത്ഥികൾക്കും കൂടി കിട്ടിയിട്ടുള്ള മൊത്തം വോട്ടിനേക്കാൾ കൂടുതൽ വോട്ടുകൾ കിട്ടിയിട്ടുള്ള പക്ഷം അപ്രകാരം കൂടുതൽ വോട്ടുകൾ ലഭിച്ച ആൾ തിരഞ്ഞെടുക്കപ്പെട്ടതായി പ്രഖ്യാപിക്കേണ്ടതാണ്.]

(b) If there are more than two contesting candidates and in the first polling no candidate secures more vote than the aggregate votes secured by all the other candidates together, the candidate, the candidate who had secured the least number of votes shall be eliminated and the voting shall be continued by eliminating the candidate who secures more votes than those secured by the remaining candidate or candidates together, as the case may be, and the candidate who thus secures more vote shall be declared as elected.

(c) If Two or more candidates secure equal number of votes and one of them has to be eliminated under clause (b), then the Returning Officer shall draw lot as to which candidate among the candidates who had secured equal number of vote is to be eliminated and the person whose name is first drawn shall be eliminated.

[8][7(എ) 7–ാം ഉപചട്ടം (ബി) ഖണ്ഡപ്രകാരം ഒന്നിലധികം ഘട്ടങ്ങളിലായി വോട്ടെടുപ്പ് വേണ്ടിവരുമ്പോൾ ഓരോ ഘട്ടം വോട്ടെടുപ്പിലും വ്യത്യസ്ത നിറത്തിലുള്ള ബാലറ്റ് പേപ്പറുകൾ ഉപയോഗിക്കേണ്ടതും അവ ഏതു ഘട്ടം വോട്ടെടുപ്പിലുള്ളതാണെന്ന് അവയിൽ വരണാധികാരി രേഖപ്പെടുത്തേണ്ടതും ഓരോ

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4. Sub-rule (3) substituted by S.R.O. No. 98/99, w.e.f 20-10-1998. The English translation is not received yet- Prior to the substitution sub-rule (3) read as under:
"(3) Each member shall proceed to the place set apart for the purpose of voting and put a mark 'X' on the ballot paper against the name of the candidate for whom he wished to vote and thereafter fold the ballot paper so as to conceal his vote and deposit it in the ballot box placed in full view of the Returning Officer."
5. Sub-rules (4) (5) & (6) omitted by S.R.O. No. 98/99, w.e.f 20-10-1998. The English translation is not received yet. The omitted sub-rules read as under:
"(4) If a member to whom a ballot paper has been supplied violates the secrecy of voting, the Returning Officer shall take back the ballot paper supplied to him and record on the reverse side of it, "cancelled, violated the secrecy of voting" an put his signature below it.
(5) If vote is marked on the ballot paper cancelled under sub-rule (4), it shall not be counted and such ballot paper shall be kept in separate cover.
(6) A member from whom ballot paper has been taken back for violating secrecy of voting shall not have right to take part in the subsequent stages of voting."
6. Substituted for the following by S.R.O. No. 98/99, w.e.f. 2-10-1998. The English translation is not received yet. The Substituted matter read as under:
"(7) After the polling is over, the Returning Officer shall, in the presence of the members, open the ballot box, take out the votes, count it and declare the result in the following manner, namely:-"
7. Clause (aa) inserted by S.R.O. No. 98/99, w.e.f. 2-10-1998. The English translation is not received yet.
8. Sub-rule (7a) inserted by S.R.O. No. 98/99, w.e.f. 2-10-1998. The English translation is not received yet.

ഘട്ടം വോട്ടെടുപ്പിനും (1) ഉം (2)ഉം (3)ഉം (7)ഉം ഉപചട്ടങ്ങളിലെ നടപടിക്രമം പാലിക്കേണ്ടതാണ്.]

(8) The election to fill any casual vacancy occurring in the office of the President or Vice-President shall be held as if in the case of first election.

[9][10. thm«pIÄ XÅn¡f യൽ.– 9–ാം ചട്ടത്തിലെ (2)–ാം ഉപചട്ടത്തിൽ പറഞ്ഞിട്ടുള്ള വരണാധികാരിയുടെ മുദ്രയും ഒപ്പും, ഇല്ലാത്തതോ അല്ലെങ്കിൽ (3)–ാം ഉപചട്ടത്തിൽ പറഞ്ഞിട്ടുള്ള (X) എന്ന അടയാളം ഇല്ലാത്തതോ അല്ലെങ്കിൽ, വോട്ടു ചെയ്ത അംഗത്തിന്റെ പേരും ഒപ്പും ഇല്ലാത്തതോ, അല്ലെങ്കിൽ ഒന്നിലധികം സ്ഥാനാർത്ഥികളുടെ പേരിനു നേരെ (X) എന്ന അടയാളം രേഖപ്പെടുത്തിയിട്ടുള്ളതോ ആയ ബാലറ്റ് പേപ്പർ അസാധുവായി തള്ളിക്കളയേണ്ടതാണ്.]

11. Publication of result — The Returning Officer shall, immediately after declaring the result of the election at the meeting, publish the result of the election at the meeting , publish the result in the notice board of the concerned Panchayat and inform the State Election Commission.

(2) The State Election Commission shall notify the result of election of President and Vice-President in the Gazette.

12. Disposal of ballot papers, — (1) The Returning Officer shall, seal in separate covers the ballot papers whether counted or rejected as the case may be, in each stage and record on each packet the number of papers it contains and the election to which it relates.

(2) The Returning Ofticer shall hand over the sealed and recorded packets under sub-rule (1) to the Secretary of the Panchayat concerned who shall keep it in safe custody.

(3) [10][അതതു സംഗതിപോലെ, തിരഞ്ഞെടുപ്പിന്റെ സാധുത സംബന്ധിച്ച് തർക്കം തീർപ്പാക്കാൻ അധികാരപ്പെട്ട കോടതിയുടേയോ സംസ്ഥാന തിരഞ്ഞെടുപ്പ് കമ്മീഷന്റെയോ ഉത്തരവിൻ പ്രകാരമല്ലാതെ,] അത്തരം പായ്ക്കറ്റുകൾ തുറക്കുകയോ അതിന്റെ ഉള്ളടക്കം പരിശോധിക്കുകയോ അവ ഹാജരാക്കുകയോ ചെയ്യാൻ പാടില്ലാത്തതാണ്.

(4) [അധികാരപ്പെട്ട കോടതിയുടേയോ സംസ്ഥാന തിരഞ്ഞെടുപ്പ് കമ്മീഷന്റെയോ മറ്റു വിധത്തിലുള്ള ഒരു ഉത്തരവ് ഇല്ലാത്ത പക്ഷം ഒരു വർഷക്കാലയളവിനുശേഷം സെക്രട്ടറി പ്രസ്തുത പായ്ക്കറ്റുകൾ നശിപ്പിക്കേണ്ടതാണ്.]

FORM 1

[See sub-rule (1) of Rule 9]

BALLOT PAPER

SI. No	Name of candidate	Marking of vote

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.) The Government have decided that some amendments are necessary in the provision of the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995 regarding the notice for the election meeting, quorum of the meeting and nomination of the candidates to the places reserved for the places of the President. This notification is intended to amend the rules accordingly.

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9. Rule (10) substituted by S.R.O. No. 98/99, w.e.f. 2-10-1998. The English translation is not received yet. Prior to the substitution rule 10 read as under:
"**10. Rejection** of votes. — A ballot paper , which does not contain signature and seal of the Returning Officer as specified under sub-rule (2) and the mark 'X' as specified under sub-rule (3) of rule 9 or which contains signature or writing of any member of on which 'X' is marked against more than one name, shall be rejected as invalid."

10. Substituted by S.R.O. No. 98/99, w.e.f. 2-10-1998, The English translation is not received yet. Prior to the substitution it read as under:
"(3) Such packets shall not be opened, its contents inspected or presented, except under the orders of the competent court.
(4) The Secretary shall destroy such packets a period of one year, if not otherwise ordered by a competent court."

THE KERALA PANCHAYAT RAJ (OATH OF MEMBERS, PRESIDENT AND VICE PRESIDENT) RULES, 1995*

[Translation in English of the Kerala Panchayat Raj (Oath of Members, President and Vice President) Rules, 1995, published under the authority of the Governor.]

S.R.O. No. 320/95.— In exercise of the powers conferred by sub-section (1) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with sub-sections (1) and (2) of Section 152 and sub-section (13) of Section 153 thereof, the Government of Kerala, by notification in the Gazette, make the following rules, namely:-

RULES

1. Short title and commencement.— (1) These rules may be called the Kerala Panchayat Raj (Oath of Members, President and Vice President) Rules, 1995.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,-

(a) 'Act[1] means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Section' means a section of the Act;

(c) Words and expression used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Oath or affirmation of members.— (1) Any member of a Village Panchayat, Block-Panchayat or District Panchayat who has to make and subscribe an oath or affirmation under sub-section (1) of Section 152 shall, before convening the first meeting of the concerned panchayat, make and subscribe such oath or affirmation.

(2) A member who could not make and subscribe an oath or affirmation under sub section (2) of Section 152 or a member elected in a by-election shall, after giving prior notice in writing to the Secretary, make and subscribe such oath or affirmation before the President on a day fixed by the President.

(3) The fact of swearing in of members shall be recorded with signature in a register in Form No. 1 of the Schedule.

4. The oath of President and Vice President.— (1) The President or Vice President of a Panchayat who has to make and subscribe an oath or affirmation under sub-section (13) of Section 153 shall, immediately after the declaration of the results of their election as such make and subscribe such an oath or affirmation.

(2) The fact of swearing in of the President and Vice President shall be recorded with signature in a register in Form No.2 of the Schedule.

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* Published **in K.G. No.1269** dt.27th **August** 2001 as **G.O.** (P) No.7886/N2/99/LSGD.

SCHEDULE

FORM 1

[See sub-rule (3) of Rule 3]

Register of Oath/Affirmation of members of .....

* Village/Block/District Panchayat. _____

Name of Member	Name and Number of constituency	Postal Address	Place, date and time of swearing
(1)	(2)	(3)	(4)

Oath/Affirmation

I,..... having been elected as member of ..... *Village/Block/District Panchayat do swear in the name of *God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that 1 will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or illwill.

Signature of member

Name and signature of *Office authorised/member/President

*Strike off whichever is not applicable.

FORM 2

(See sub-rule (2) of Rule 4]

Register of Oath/Affirmation of President/Vice-President of. .....

*Village/Block/District Panchayat.

Name of Member	Name and Number of the Constituency	Postal Address	Place, date and time of swearing
(1)	(2)	(3)	(4)

Oath/Affirmation

I,.....having been elected as * President/Vice President of .....*Village/Block/District Panchayat do swear in the name of *God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established , and that I will duly and faithfully and to the best of my ability , knowledge and judgement perform the duties of my office without fear or favour or affection or illwill.

Signature of *President /Vice President Name and signature of *authorised officer /President

By order of the Governor,
Secretary to Government

* Strike off whichever is not applicable.

Explanatory Note

(This does not form part of the Notification , hut is intended to indicate its general purpose.)

Sub- sections (1) and (2) of Section 152 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) deals with the procedure regarding the oath or affirmation of members. Sub-section (13) of Section 153 deals with the procedure regarding (he oath or affirmation of President and Vice President. Government have decided to prescribe the forms for recording the oath or affirmation and signature of Panchayat members. President and Vice President. Hence this Notification.

THE KERALA PANCHAYAT RAJ (PROCEDURE FOR PANCHAYAT MEETING) RULES, 1995*

S.R.O. No. 1260/95. - In exercise of the powers conferred by Sections 157, 158 and 161 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: -

RULES

1. Short title and commencement; - (1) These rules may be called the Kerala Panchayat Raj (Procedure for Panchayat Meeting) Rules, 1995.

(2) They shall come into force at once.

2. Definitions; - In these rules unless the context otherwise requires, -

(a) 'Act' means the Kerala Panchayat Raj Act. 1994 (13 of 1994);

(b)'Authorised Officer' means an officer authorised by the Government by notification in the Gazette under sub-section (1) of Section 275;

(c)'Empowered officer' means an officer empowered by the Government under sub-section (2) of Section 157 of the Act;

(d)'Section' means a section of the Act;

(e)Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Place and time of meeting**. - Each Panchayat shall have an office in its headquarters designated by the Government under sub-section (1) of Section 4 and the President shall convene the meeting of the Panchayat at least once in a month and it shall be held in the Panchayat office on the date and at the time fixed by him:

Provided that no meeting shall be held on public holidays notified by the Government:

Provided further that no meeting shall be held before 9 O' clock in the morning and after 6 O'clock in the evening, except in urgent situations.

4. **Notice and agenda of meeting**. - (1) The notice regarding the place, date and time of the meeting and subject to be discussed in the meeting shall be given to the members at least three clear days prior to the date fixed for beginning of the meeting:

Provided that, in the above said clear days, declared holidays shall be included but the date of receipt of notice and the date of meeting shall not be included.

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*Published in Kerala Gazette (Extra) No.45 as G.O.(P) No.16998/NI/99/LSGD dt. 13-11-2001

(2) Notwithstanding anything contained in sub-rule (1), if urgent decision of the Panchayat is inevitably required in any case, the President may convene special meeting by giving short notice.

(3) No subject which is not included in a given agenda for the particular meeting shall be considered in that meeting:

Provided that if all the members present agrees any subject of urgent importance but not included in the agenda may be considered in that meeting:

Provided further that orders and directions having urgency and send by Government for consideration of Panchayat shall be considered in that meeting, even if they are not included in the agenda.

(4) Copies of notice and agenda issued under sub-rules (1) and (2) shall be published in the notice board of the Panchayat on the date of notice itself.

5. **Preparation of agenda**. - (1) The Secretary shall prepare the agenda for the meeting in consultation with the President.

(2) The agenda shall include the subjects which according to the Secretary requires consideration of the Panchayat and that proposed by the President.

(3) The President and the Secretary shall have the right to record their opinion as notes regarding any subject included in the agenda and such recorded note shall be issued to the members before the meeting or submitted in the meeting at the time of discussion of the subject.

6. **Requisition for convening of meeting**. - (1) The President shall, if so requested by not less than one third of the existing number of members of the Panchayat for the time being, convene a meeting of the Panchayat:

Provided that the notice requesting the convention shall contain the date for convening the meeting and the subject or subjects to be considered in the meeting and shall be given ten days prior to the date proposed for convention of the meeting, at the Panchayat office on working hours, to the President or the Secretary or in their absence, to the officer having charge of the office at that time:

Provided further that the President may, if he thinks fit, accept a notice with less than ten days.

(2) The members who have issued notice under sub-rule (1) may, if the President does not convene the meeting within 3 days from the receipt of the notice under sub-rule (1), on the day specified therein or within 3 days thereafter, convene the meeting by giving notice to other members as provided in sub-rule (1) of Rule 4. No subject other than the subjects mentioned in the notice shall be discussed in such meeting.

(3) No meeting under sub-rule (1) or sub-rule (2) shall be convened at a place other than the place at which the office of the Panchayat is situated.

7. **Quorum for Panchayat meeting**. - (1) One third of the sanctioned strength of the members of the Panchayat shall be the quorum and no Panchayat meeting shall be held if that much number of members are not present in the meeting.

(2) The meeting shall not be proceeded with if at any time there becomes a fall in quorum.

(3) Even after passing half an hour from the time appointed for a meeting, the quorum does not occur and the members present refuse to wait further, the meeting shall be deemed to have been postponed.

(4) There shall be a register containing the names of members of the Panchayat and all the members present in a meeting shall put their signature on it.

8. **Panchayat meeting to be held open**. - The public and reporters shall have access as visitors to the meeting of a Panchayat at any level and such access shall be controlled by the President, Vice-President or the presiding member:

Provided that the person presiding may, for reasons to be recorded in the minutes book, direct the public in general or a person or persons in particular to withdraw or be removed from any meeting of the Panchayat.

9. **Holding and Presiding over meetings**. - (1) The President or in his absence the Vice-President or in the absence of both a member chosen by majority opinion of the members present shall take chair of the Panchayat meeting.

(2) The Chairman may, if the law and order situation becomes out of control, stop the meeting for such time as he may decide or for the day.

(3) The Chairman shall control the meeting and decide on all points that arises at or in connection with the meeting. There shall be no discussion on a point of order and the decision of the Chairman shall, save as otherwise provided in the Act or in these rules, be final.

(4) The Chairman shall, if any member behaves disorderly and causes obstruction in conducting the meeting, direct such member to withdraw forthwith and if disobeys, suspend him from the meeting for the day and on such suspension the member shall immediately withdraw from the meeting, failing which he shall be removed, if necessary, by using reasonable force.

10. **Decision in meetings**. - The Panchayat shall decide all subjects coming for consideration by majority, votes of the members present and the Chairman may exercise a casting vote in all cases of equality of votes.

11. **Cancellation or modification of resolutions**. - No resolution of a Panchayat shall be modified or cancelled except through a resolution passed in a meeting specially convened for the purpose within three months of passing such resolution, by a two third majority of the total number of members of the Panchayat.

12. **Interpellation by members to the President or Chairman of the Standing committees**. - (1) A member who desired to interpellate the President or the Chairman of a Standing Committee in any meeting shall give a copy of the question which he intends to ask at least seven clear days in advance to the President if the question is to the President and to the President and Chairman of the Standing Committee, if the question is to the Chairman of a Standing Committee:

Provided that the president may, if he thinks fit, admit a question with a notice of less than seven days.

(2) Questions by members shall be confined to matters coming within the administrative power of the Panchayat.

(3) In any meeting, a member may ask upto two questions for obtaining information on any matter relating to Panchayat.

(4) No question shall be allowed if not complied with the following conditions: -

(a) It shall relate to a single matter;

(b) It shall be in clear and precise words;

(c) It shall be prepared in the form of a submission to know information;

(d) It shall not contain arguments, hypothetical inferences, ironical expressions or defamatory statements and anything referring to the conduct or character of persons other than that relating to official or public position.

(e) It shall not refer to any matter which is pending disposal before a Court of law;

(f) It shall be the responsibility of the member who raises the question to confirm the accuracy of the statement;

(g) It shall not contain any non-essential name or statement to make the question logical;

(h) It shall not raise questions of policy which cannot be confined to an answer;

(i) It shall not be a question which has already been answered or refused;

(j) It shall not be one seeking information on trivial matters;

(k) It shall not be in the nature of charging directly or indirectly on the character of a person.

(5) The president shall decide whether a question is to be allowed or not, before the date fixed for the next meeting and he may allow, disallow or partly allow it. He may disallow any question which in his opinion, contravenes these rules or constitutes an abuse of the right of questioning or cannot be answered without affecting public interest and in that cases the question shall not be included in the agenda or the proceedings of the meeting of the Panchayat.

(6) The questions allowed by the President shall be included in the agenda for the next meeting and the President or the Chairman of the Standing Committee, as the case may be, shall unless it has already been withdrawn by the member putting it, answer every question so included in the order in which it is included in the agenda, before any other business is taken up at the meeting:

Provided that even if a question included in the agenda has been withdrawn, answer may be given in public interest.

(7) Any member may put a supplementary question for further elucidating any matter which has already been answered:

Provided that the president may disallow any supplementary question if in his opinion the contents of the question violates rules.

(8) No discussion shall be permitted in respect of any question or of any answer given to a question.

(9) The question asked and the answer given to it shall be recorded in the proceedings of the Panchayat meeting.

13. **Procedure for moving resolutions at Panchayat meeting**. - (1) A member who intends to move a resolution shall give seven clear days notice of such intention in writing to the President along with a copy of the resolution:

Provided that the President may include a resolution in the list of business with a shorter notice than seven days.

(2) No number shall move more than one resolution.

(3) The President shall examine all the resolutions and shall have power to disallow any resolution which in his opinion does not comply with the conditions laid down in sub-rule (4).

(4) A resolution in order to be admissible shall comply with the following condition namely: -

(a) It shall relate to matters coming within the administrative power of the Panchayat;

(b) It shall be clearly and precisely worded;

(c) It shall relate to a single matter;

(d) It shall not contain arguments, hypothetical inferences, ironical expressions or defamatory statements;

(e) It shall not refer to the conduct or character of a person except that in his official or public capacity;

(f) It shall not refer or relate to a matter which is under adjudication by a Court of law.

(5) The President may decide to allow and to give priority to resolutions and may disallow any resolution in part or in full, which in his opinion contravenes the provisions of the Act or the rules made thereunder and his decision thereon shall be final.

(6) The resolution allowed by the president shall be included in the agenda of the meeting.

(7) The President shall when any resolution is disallowed on any ground mentioned in sub-rule (4), intimate the fact to the member concerned stating the reasons for disallowing the resolution.

(8) A member in whose name a resolution is included in the list of business may, when called either move or withdraw the resolution, by making a statement.

(9) If a member, allowed to move a resolution, is absent, any other member authorised by him may, with the permission of the President, move the resolution and if it is not so moved, it shall be deemed to have been withdrawn.

(10) Any resolution moved by a member shall be seconded by another member.

(11) The discussion on a resolution shall be confined to the contents of the resolution.

(12) Any member may move amendments to resolutions during discussion subject to sub-rule (4), (5) and (10).

(13) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the panchayat.

(14) A resolution included in the agenda shall, if not discussed in that meeting, be deemed to have lapsed.

(15) The President shall put amendments to vote ordinarily in the order in which they have been moved and if the amendments are lost, put the original motion to vote.

(16) A resolution which has been discussed and rejected by the Panchayat shall not be moved again before the lapse of six months from the date of rejection.

(17) The time allowed for a resolution shall not exceed half an hour at any Panchayat meeting.

14. Resolution on bye-laws. - (1) A resolution on bye-laws placed before the panchayat under Section 256 of the Act shall be to frame bye-laws or to modify or to cancel existing bye-laws.

(2) The procedure laid down in The Kerala Panchayat Raj (Procedure for framing bye-laws) Rules, 1995 shall be followed on every bye-law introduced in the Panchayat Committee.

(15) Motion of no-confidence in President, Vice-President, or Chairman of a Standing Committee. - (1) A motion expressing no-confidence in the President, the vice-President or the Chairman of a Standing Committee of a Panchayat shall be made in accordance with the procedure laid down in Section 157 of the Act.

(2) A notice under sub-section (2) of section 157 shall be in the form appended to these rules.

16. When to allow speeches. - (1) A member shall speak only when there is a subject before the meeting or when he moves or seconds or opposes a resolution, except in the following cases: -

(a) when speaking on a point of order;

(b) when making a statement with the special permission of the Chairman.

(2) A member in whose name a resolution is included in the list of business shall, except in the context he withdraws it, move the resolution when called upon and shall commence his speech by a formal motion.

17. Order of delivering speech. - After the delivery of speech by the member moving the resolution, other members may speak to the motion in the order in which they are called upon by the Chairman. Any member who does not speak when called upon by the Chairman shall have the right to speak at a later stage only with the special permission of the Chairman.

18. **Speeches how to permitted. -** Save as otherwise proved, a member shall not speak more than once on the same subject:

Provided that a member may, if the main subject is with regard to the framing, Cancellation or modification of bye-laws or financial estimates, move or support amendment more than once.

19. **Personal explanations**. - A member may, with the permission of the Chairman make personal explanations before the Panchayat, not as part of a discussion.

20. **Duration of speeches. -** Any member desiring to speak on an issue before the Panchayat shall intimate the same in writing to the Chairman and the Chairman shall call the members in the order of priority. No speech shall ordinarily exceed 4 minutes duration:

Provided that a person moving a resolution or amendment may be allowed upto 8 minutes time to speak:

Provided further that the Chairman may at his discretion allow a person to extend or reduce time for speech.

21. **Point of order and decision thereon. -** (1) Any member may, in the nature of question, raise point of order regarding the compliance of these rules or regarding the

interpretation of any bye-laws made by the Panchayat to regulate the procedure of the Panchayat or the jurisdiction of the Chairman.

(2) The point of order may be raised at the beginning of the business:

Provided that, if the point of order is regarding the regulation or control of business of the Panchayat, a member may be allowed to raise such point of order during the interval between the closing of one item and commencement of another item.

(3) A member may, subject to the conditions in sub-rules (1) and (2), raise a point of order and the Chairman shall decide whether it is a point of order or not and such a decision shall be final.

(4) No discussion shall be allowed on a point or order raised by a member, but the Chairman may, if so thinks fit give an opportunity to the members to speak what they have, before taking a decision.

(5) The raising of a point of order shall not be the privilege of a member.

(6) A member shall not raise a point of order on the following maters: -

(a) to know any information;

(b) to explain his position;

(c) regarding the resolution which is being moved;

(d) regarding hypothetical matters.

22. **Resolutions to be put to vote. -** (1) The Chairman shall, when the discussion is concluded or if there is no discussion, put the resolution to vote.

(2) Any subject taken for consideration in a Panchayat meeting shall be decided on the majority opinion of the members present and in case of equality of votes the Chairman may also exercise a casting vote.

23. **Manner of polling. -** Except in cases otherwise provided.

(a) the manner of taking votes in a meeting may be as per the discretion of the Chairman;

(b) if any member demands a poll, it shall be done by raising of hand;

(c) the Chairman shall declare the results of the poll and it shall not be challenged.

24. **Procedure when the Chairman speaks. -** When the Chairman rises for talking, the member speaking shall stop it and sit down immediately. The Chairman may

direct the member repeatedly raising monotonous and improper matters on disputes to stop his speech.

25. **Decision of the Chairman. -** The Chairman shall have full competence to take decision on any point of order and shall have necessary powers to enforce it.

26. **Preparation of minutes of meeting. -** (1) The Secretary shall attend all Panchayat meetings and in case he cannot attend a meeting due to unavoidable reasons an officer authorised in this behalf shall attend the meeting.

(2) There shall be a minutes book to record the proceedings of the Panchayat meeting and the same shall be in the custody of the Secretary.

(3) The Secretary shall prepare the draft of the proceedings of the meeting and submit the same within 24 hours of conclusion of the meeting to the Chairman for approval,

(4) The Chairman shall, within 24 hours of receipt of the draft proceedings of the meeting prepared by the Secretary, examine the decisions of the meeting and return it to the Secretary with corrections if found necessary, or otherwise.

(5) The Secretary shall, immediately on receipt of the proceedings approved by the Chairman record it in the minutes book and obtain his signature.

(6) Immediately after recording the proceedings of the meeting in the minutes book, copy of the proceedings shall be supplied to the members and a copy (with note of dissent, if any) shall be exhibited in the notice board of the office.

27. **Chairman or members to keep away from the discussion on issues involving personal and financial interest. -** (1) The Chairman or members concerned shall not note on issues taken up for consideration in a Panchayat meeting if the Chairman or such member have financial or personal interest, whether direct or indirect, in such issue.

(2) The Chairman may, if satisfied that a member has financial interest in an issue being discussed direct him to abstain from the discussion and prohibit him from voting.

(3) Such member may question the decision of the Chairman and if so questioned, it shall be presented before the meeting. The decision of the meeting thereon shall be final.

(4) Any member may, if so believes that the Chairman has financial or other interest in the issue put to discussion, present the same in the meeting by a resolution and if the resolution is accepted the Chairman shall be liable to abstain from such discussion.

(5) The member and the Chairman concerned shall not have any right to vote in the resolutions referred to in sub-rule (3) and sub-rule (4) respectively.

28. **Dissenting note on decisions. -** A member shall, if he has any dissent on the proceedings of a meeting, inform the same in writing, within forty eight hours of receipt of the proceedings to the Secretary and President.

29. **Forwarding of minutes. -** (1) The Secretary shall, within seven days after the date of meeting, forward a copy of the minutes of every meeting of a Panchayat with dissenting note, if any, with the approval of the President, to the officer authorised by the Government in this behalf.

(2) The Secretary shall, if the decision of Government or the officer authorised is required on any issue regarding the implementation of a decision of the Panchayat or dissenting note, bring the same to the notice of the Government or the officer authorised, with a detailed report and implement the same only after obtaining directions from them.

30. **Custody of records. -** The minutes and records of the Panchayat and other Committees shall be under the custody of the Secretary.

APPENDIX

FORM

[*See* sub-rule (2) of Rule 15]

(Notice regarding the intention to move no-confidence motion in the *President/Vice-President/Chairman of Standing Committee of ……*Village Panchayat/Block Panchayat/District Panchayat.

.....

.....

.....

(Official name and address of empowered officer)

Sir,

We, the following undersigned elected members of the .....*Village Panchayat/Block Panchayat/District Panchayat hereby give notice of intention to move motion of no-confidence in *Shri/Smt.....the*President/Vice President/.....…. Standing Committee Chairman of this Panchayat. The sanctioned strength of the Panchayat is .....A copy of the motion intended to be moved is enclosed herewith.

Name of member Signature

1)
2)
3)
4)
5)

(To be filled by the empowered officer)

This notice is handed over to me directly in.....day of .....(month).....(year) by Shri/Smt....., one of the elected members of the Panchayat.

Signature of the empowered officer

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*Strike out whichever is not applicable.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Government have decided to make rules prescribing, the form of notice for moving no-confidence in the President, Vice-President and Standing Committee Chairman of a Panchayat, under Section 157; the procedure for moving resolution in a Panchayat Committee and for asking questions to the president regarding matters coming under the administrative power of the President, under Section 158 and the maximum interval which may gave between two consecutive Panchayat meetings, the time, place and quorum of such meetings, the procedure for convening and conducting of such meeting, under Section 161 of the Kerala Panchayat Raj Act, 1994 (13 of 1994). This Notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (CONSTITUTION OF WORKING COMMITTEES AND JOINT COMMITTEES AND PROCEDURE FOR THEIR MEETING) RULES, 1995*

S.R.O. No. 1413/95. — In exercise of the powers conferred by Section 163 and 165 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Constitution of Working Committees and Joint Committees and Procedure for their Meeting) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Joint Committee' means a committee constituted under Section 165;

(c) 'Section' means a section of the Act;

(d) 'Working Committee' means a committee constituted under sub-section (1) of Section 163;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Constitution of Working Committees. — (1) Every Panchayat may, if so found necessary, constitute Working Committees for different subjects like agriculture, sanitation, communication, public works, public health and education.

(2) A Working Committee constituted under sub-rule (1) shall consist of, —

(a) The President of the Panchayat;

(b) Not exceeding four members, elected by the members of the Panchayat from among themselves;

(c) Not exceeding four members, nominated by the Panchayat, but non-members of the Panchayat, having, in its opinion, interest in public welfare and possessing special qualification or knowledge for service in the committee.

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* Published in Kerala Gazette No. 45 as G.O. No. 48218/N1/1998/LSGD dt. 13-11-2001.

(3) A member of a Panchayat may, at a time, be a member in more than one Working Committees.

(4) Vacancies arising in the Working Committees shall be filled up, as the case may be, by election or nomination.

(5) The term of the Working Committee shall not exceed the term of the Panchayat.

(6) The President of the Panchayat shall be the Chairman of all Working Committees.

4. Powers and functions of the Working Committees. — (1) It shall be the function of the Working Committee concerned to take decision on matters affecting the Panchayat in each subject and to submit the same for consideration of the Panchayat.

(2) A Working Committee may require the Secretary to furnish records in his possession relating to the subject of that Committee.

(3) The nominated members of the Working Committee shall be eligible for sitting allowance and travelling allowance as admissible to Panchayat members.

5. Procedure for the meeting of Working Committees. — (1) The Chairman shall convene the meeting of the Working Committee once in every three months and as may be necessary during the interim period and give notice to the members intimating the venue, date and time of the meeting atleast seven days before the date of meeting and affix a copy of the said notice in the notice board of the Panchayat.

(2) The quorum of the Working Committee shall be one half of the total number of its members.

(3) The Chairman of the Working Committee shall preside over its meetings and in the absence of the Chairman, a member of Panchayat elected from among the members present shall preside over the meeting.

(4) The Secretary shall, in consultation with the Chairman, prepare the agenda for the meeting by including the items to be discussed in the meeting and shall read it over to the members at the beginning of the meeting.

(5) The Secretary or the officer authorised by him for the purpose shall prepare the proceedings of the meeting and the Chairman shall submit for the consideration of the Panchayat, the general and unanimous suggestions and the resolutions passed by majority.

6. Constitution of Joint Committee. — (1) A Panchayat may, alone with one or more Panchayats constitute a Joint Committee for any purpose for which they are jointly responsible.

(2) A Joint Committee constituted under sub-rule (I) shall consist of, —

(a) President of the Village Panchayat and not exceeding two members nominated by majority opinion of the members present in the Panchayat meeting;

(b) President of the Block Panchayat and not exceeding two members nominated by majority opinion of the members present in the Panchayat meeting; and

(c) President of the District Panchayat and not exceeding four members nominated by majority opinion of the members present in the Panchayat meeting.

(3) A Joint Committee, may co-opt non members of Panchayat, having in its opinion special qualifications for service in that committee:

Provided that number of members so co-opted shall not exceed one half of the total number of members of that committee.

7. Filling up of vacancies in the Joint Committee. — Vacancies arising in the Joint Committee shall be filled up by nomination under sub-rule (2) or sub-rule (3) of Rule 6, as the case may be.

8. Chairman of Joint Committee. — Chairman of the Joint Committee shall be fixed in the manner specified below: —

(a) In case the Joint Committee is constituted with Panchayats at the same level jointly, the President of the Panchayat suggesting such constitution;

(b) In case the Joint Committee is constituted with a Village Panchayat or Village Panchayats jointly with a Block Panchayat, the President of that Block Panchayat;

(c) In case the Joint Committee is constituted with a Village Panchayat or Village Panchayats jointly with more than one Block Panchayat, the President of the Block Panchayat elected through lot;

(d) In case the Joint Committee is constituted with a Village Panchayat or Village Panchayats with a Block Panchayat or Block Panchayats jointly with a District Panchayat, the President of the District Panchayat;

(e) In case the Joint Committee is constituted with a Village Panchayat or Village Panchayats with a Block Panchayat or Block Panchayats jointly with more than one District Panchayat, the President of the District Panchayat elected through lot.

9. Powers of Joint Committees. — (1) A Joint Committee shall have power to enquire into, collect details and take decisions on matters for which it is constituted.

(2) A Joint Committee may, at any time, require the Panchayat concerned to produce necessary documents relating to its working.

10. Procedure for meeting of Joint Committees. — (1) The Chairman shall, at least five clear days before the day of the meeting, issue notice to the members informing them of the date, time and venue and the subjects to be discussed in the meeting.

(2) The Secretary of that Panchayat in the office of which the meeting of the Joint Committee is held or an office authorised by him shall record the proceedings of the meeting and all members present shall put their signature on it.

(3) Joint Committee shall take decision on subjects coming for its consideration by majority vote of the members present in the meeting and in case of equality of votes, the Chairman may exercise a casting vote.

(4) The Chairman shall preside over the meetings of the Joint Committee and in the absence of the Chairman, a member elected from among the members present shall preside over the meeting.

(5) The quorum for the meeting of the Joint Committee shall be two-third of its total number of members.

(6) The decisions of the Joint Committee shall be communicated to the Panchayats concerned.

11. Implementation of the decisions of the Joint Committee. — (1) The Panchayat concerned shall be liable to implement the decisions of the Joint Committee:

Provided that no such decision shall be in excess of the jurisdiction of the Panchayat concerned.

(2) The Panchayat concerned need not, in case a Joint Committee has been constituted to settle disputes, implement the decision of such Joint Committees, if such decision is not acceptable to it.

12. Dissolution of Joint Committee. — The Chairman of a Joint Committee shall, soon after the performance of the purpose for which the committee has been constituted, dissolve the committee.

13. Adjudication of disputes. — Action shall be taken under Section 282, if any dispute or difference of opinion arises among the Panchayats concerned regarding the constitution or functioning or implementation of decision of a Joint Committee constituted under these rules.

Explanatory Note

("This does not form part of the Notification, but is intended to indicate its general purport.)

Sub-section (2) of Section 163 of the Kerala Panchayat Raj Act, 1994(13 of 1994) empowers the Government to make rules regarding the powers and functions of the Working Committees and Section 165 empowers the Government to make rules regarding the constitution, powers and procedure of the Joint Committees and the manners in which the disputes and differences of the Committee may be settled. This notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (SERVICE TAX) RULES, 1995*

[Translation in English of the Kerala Panchayat Raj (Service Tax) Rules, 1995, published under the authority of the Governor.]

S.R.O. No. 1465/95. — In exercise of the powers conferred by sub-section (2) of Section 200 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely; -

RULES

1 Short title and commencement. — (I) These rules may be called the Kerala Panchayat Raj (Service Tax) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,-

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Service Tax' means service tax leviable under sub-section (2) of Section 200 of the Act;

(c) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Levying of Service Tax. — (1) A Village Panchayat may levy a fixed percentage of the annual value of the whole building or lands or both situated within that Panchayat as service tax, save those building or land or both exempted from tax under the Act or any other Act:

Provided that service tax shall not exceed the rates specified under Rule 4.

(2) A Village Panchayat may exempt any person or class of persons residing in any particular part of the Panchayat area from the levy of all or any of the service tax. on the ground that such part is not deriving full benefit of the service rendered by that Panchayat.

(3) The service tax may be levied for each year and may be remitted in two half-yearly instalments.

4 Rates of Service Tax. — The service tax shall not exceed the following rates, namely:-

(i) *For Sanitation purposes.* - Of the expenses for preserving general sanitation of the Village Panchayat area and for removing of the rubbish, filth and carcasses of animals and birds from private premises. .. 1 per cent

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* Published in K.G. No.l 130 dl.2nd August 2001. as G.O. No.46474/Nl/98/LSGD.

(ii) *For water supply*. - Of the expenses for repair, development and reconstruction of the existing water reservoirs and the water supply systems, both entrusted and not by the Kerala Water Authority and also for the water supply works to be implemented	2 per cent
(iii) *For street lighting*. - Of the expenses for lighting of the Village Panchayat area by using various kinds of power.	2 per cent
(iv) *For drainage, scavenging etc*. - Of the expenses for repair, development and reconstruction of existing drainage systems and for drainage and scavenging facilities to be provided.	1 per cent

5. Procedure for the collection of service tax. — The rules and procedure for the assessment, levy and collection of building tax issued under Section 203 of the Act shall be observed *mutatis mutandis* for the assessment, levy and collection of service tax.

By order of the Governor,

Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per sub-section (2) of Section 200 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) Village Panchayat may levy service tax, not exceeding at the rates prescribed, from wherever it has provided sanitation facilities, water supply, scavenging, street lighting and drainage. Government have decided to make rules for levying the service tax.

This Notification is intended to achieve the above object.

*THE KERALA PANCHAYAT RAJ (LEVY AND COLLECTION OF SHOW TAX) RULES, 1995

S. R. O. No. 1466/95. — In exercise of the powers conferred by sub-section (4) of Section 200 and Sections 246 and 255 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Levy and Collection of Show Tax) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Secretary' means the Secretary of the Village Panchayat;

(c) 'Section' means a section of the Act;

(d) 'tax' means the show tax leviable under sub-section (4) of Section 200;

(e) The words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Rate of Show Tax. — The show tax under sub-section (4) of Section 200 shall be levied on all shows, calculated at the following rates, namely: —

The rate of tax for each show:

(1)	Regular cinema shows in licenced theatres	..	Rs. 2
(2)	Other cinema shows	..	Rs. 10
(3)	Dance, drama or circus performances	..	Rs. 5
(4)	Other shows	..	Rs. 30

Explanation: — In the case of other shows coming under item (4), two shows conducted at a place in a day, with not more than one hour's interval between them, shall be deemed to be a single show.

4. Procedure for conducting shows. — (1) A person liable to pay tax under sub-section (4) of Section 200 shall inform the Secretary in writing, the details regarding the proposed show, including the place, date and time, minimum Seven days prior to such show,

(2) The Secretary shall, on receipt of the information under sub-rule (1), fix the amount of

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* Published in Kerala Gazette (Extra) No, 1131as G.O. (P) No. 46477/N1/98/LSGD dt. 26-06-2001.

tax to be paid from time to time, the security amount to be furnished to ensure due payment of the tax, the nature of such security and the time within which the security shall be furnished and serve a notice on the person liable to pay tax accordingly.

(3) The Security amount furnished under sub-rule (2) shall be deposited in the Panchayat fund and if the person liable to pay tax defaults, the tax amount may be adjusted from that amount without previous intimation.

5. Remittance of tax. — (1) The person liable to pay show tax under sub-section (4) of Section 200 shall remit the amount of tax in the Panchayat on the next working day following the day on which the show was conducted.

(2) The Secretary may, in the case of regular cinema shows, by order allow weekly remittance of tax.

(3) In the case of sanction given under sub-rule (2), the show tax shall be remitted every Monday and if that day is not a working day, the working day immediately following it.

6. Punishment for default. — A person shall, if commits default after receipt of notice from the Panchayat in remitting the amount of tax within the period specified in the notice, on conviction, be punished with fine which may extend to rupees one hundred.

7. Compounding of offences. — The Secretary may, in the case of violation of these rules by any person, compound the offence by accepting a penalty of rupees hundred in addition to the amount of tax to be paid by such person.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Sub-section (4) of Section 200 of the Kerala Panchayat Raj Act, 1994 (13 of 1994} empowers the Government to prescribe the rates of show tax. This Notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (DUTY ON TRANSFER OF PROPERTY) RULES, 1995*

[Translation in English of the Kerala Panchayat Raj (Duty on transfer of property) Rules, 1995, published under the authority of the Governor.]

S.R.O. No.1536/95. — In exercise of the powers conferred by Section 206 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Duty on transfer of property) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,-

(1) 'Government' means the Government of Kerala;

(ii) 'Instrument[1] means the instrument of sale, exchange, gift, mortgage with possession or lease in perpetuity regarding immovable property on which duty on transfer of property is leviable under Section 206 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), but does not include instruments regarding sale of hereditary rights, sale of fishing rights and gifts included in the definition of settlement in the Stamp Act, and sale certificates;

(iii) 'Inspector General of Registration' means the Inspector General of Registration, Kerala appointed by the Government of Kerala;

(iv) 'Registering Officer' means an officer of the Registration Department of Kerala State who is authorised to register any instrument;

(v) 'Stamp Act' means the Kerala Stamp Act, 1959 (Act 17 of 1959);

(vi) 'Duty on transfer of property' means the duty that is leviable on transfer of property under Section 206 of the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(vii) The words and expressions used and not defined in these rules shall have the meanings respectively assigned to them in the Act and the Kerala Stamp Act, 1959 and the rules made thereunder.

3. Provisions of the Stamp Act to apply to duty on transfer of property. — (1) All the provisions in the Kerala Stamp Act, 1959 and the rules made thereunder shall, as far as may be, apply to duty on transfer of property as they apply to the duty leviable under that Act.

(2) If the duty on transfer of property or any portion thereof is less than fifty paise, such duty or portion shall not be collected, but if it is fifty paise or more such duty or portion shall be fixed and collected as one rupee.

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* Published in K.G. Ex. No.l 132 dt.2nd August 2001, as G.O. (P) No.46473/Nl/98/LSGD.

4. Duties of Registering Officers with regard to the particulars to be set forth in instruments. — (1) The Registering Officer shall, whenever any instrument is presented for registration, see that the particulars required under Sections 28 and 28A of the Kerala Stamp Act, 1959 read with Section 206 of the Kerala Panchayat Raj Act, 1994 are set forth in the instrument and ensure that the name of the Panchayat within the jurisdiction of which the property concerned is situated, is set forth clearly in the instrument.

(2) The Registering Officer shall, if such particulars are not separately set forth in the instrument as required, impound it and forward it in original to the Collector inviting attention to Section 62 of the Kerala Stamp Act, 1959 and Section 206 of the Kerala Panchayat Raj Act, 1994.

(3) The duty leviable on an instrument of exchange of property shall be regulated as follows:-

(a) If the values of the properties exchanged are not equal, duty shall be levied on the value of the property having higher value;

(b) If the values of the properties exchanged are equal, that leviable amount of duty which is higher shall be levied.

5. Maintenance and consolidation of accounts with respect to the duty on transfer of property. — (1) (a) Every Registering Officer shall maintain an account of the duty received with respect to each instrument registered by him, showing separately the duty imposed under the Kerala Stamp Act, 1959 including that under Section 28 A thereof and that imposed as duty on transfer of property;

(b) The Inspector General of Registration shall consolidate for the entire State, each year, the amount so collected as duty on transfer of property;

(c) The Inspector General of Registration shall issue executive instructions regarding the maintenance of accounts by Registering Officers and the form in which consolidated accounts are to be forwarded;

(2) The Collector, before whom any instrument which does not come into the hands of the Registering Officers due to the fact that they are not compulsorily registerable under Section 17 of the Indian Registration Act, 1908 (Central Act 16 of 1908), is produced under Section 31 or Section 41 of the Kerala Stamp Act, 1959 or who impounds any such instrument under Section 33 of the said Act or receives a certificate of payment of the duty and penalty in respect of any such instrument or the original of any such instrument under Section 37 of the said Act, shall, keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed under the Kerala Stamp Act, 1959 and the duty on transfer of property and forward the same to the District Registrar concerned within one month after the close of each quarter, a quarterly consolidated account with particulars of each such instrument regarding the names of the executant and claimant, the date of execution, the nature of the transaction, the amount on which the transfer duty is leviable and the description of the property.

(3) If in any case, it is impossible to recover the full duty due on any instrument, then, only such portion of the duty realised in excess of the duty imposed under the Kerala Stamp Act, 1959 shall be entered as duty on transfer of property in the accounts referred to in this rule.

6. Collector to forward quarterly statement on refunds of duty on transfer of property to the District Registrar concerned. — Every Collector, sanctioning refund of duty on transfer of property paid on any instrument, shall forward to the District Registrar concerned

within one month after the close of each quarter, a statement showing the instruments in respect of which such refunds were sanctioned during the quarter, nothing therein the amount of duty on transfer of property refunded and the particulars referred to in sub-rule (2) of Rule 5.

7. Allotment of amounts to Village Panchayats. — (I) The amount to be paid to the Village Panchayat concerned shall be that left after deducting three per cent as collection charges and the amounts refunded under Rule 6 and the collection charges so deducted shall be credited to the account of Registration Department.

(2) The Inspector General of Registration shall, within two months after the end of every year, intimate the Government or an officer authorised by the Government for this purpose the amount to be paid to the Village Panchayat as per sub-rule (1). The Government or the officer authorised in this behalf shall, as soon as may be, after the receipt of intimation, allot seventy per cent of the amount earmarked to Village Panchayat under sub-rule (1) among all the Village Panchayats in the State proportionate to their population as per the last published census figures. The Government or the officer authorised by the Government by general or special order shall distribute the remaining twenty-five per cent among the Village Panchayats, in such proportion as may be fixed by the Government from time to time considering the area, available resources and needs of development and administrative expenses of each Village Panchayat.

(3) The officers authorised by the Government for the above purpose shall send intimation regarding the amount of duty on transfer of property due to each Panchayat to the concerned District Treasury Officer.

8. Amounts to be transfer credited to P.O. accounts of Village Panchayats. — The District Treasury Officers shall arrange to transfer credit the amount due to each Village Panchayat on receipt of the intimation from the officer authorised by the Government.

9. Co-operative Society to be exempted from the operation of the rules. — All instruments executed by or on behalf of any registered co-operative society by an officer or member of such society shall be exempted from the operation of these rules.

10. Applicability of certain provisions in the Stamp Act. — The concession allowed under the proviso to the explanation in Section 25 of the Stamp Act with regard to stamp duty shall be applicable to duty on transfer of property also.

11. Inspector General of Registration to issue instructions to Registering Officers. — The Inspector General of Registration may issue executive orders to Registering officers as may be found necessary from time to time for the effective implementation of the provisions of these rules, in so far as they relate to the collection of duty on transfer of property in the form of stamp paper in sub offices.

By order of the Governor,

Secretary to Government

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.) As per sub-section (1) of Section 206 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), Village Panchayat may, on every instrument which relates to immovable property situates in its area levy a duty in the form of a surcharge on the duty imposed by the Kerala Stamp Act, 1959. As per sub-section (3), Government may make rules for regulating the collection and distribution of the duty to the Village Panchayats and the deduction of expenses incurred by Government in the collection of such duty. Government have decided to make such rules. Hence this Notification.

THE KERALA PANCHAYAT RAJ (LANDING PLACES, HALTING PLACES, CART STANDS AND OTHER VEHICLE STANDS) RULES, 1995*

S.R.O. No. 1565/95. — In exercise of the powers conferred by Sections 227, 228 and 225 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Landing Places Halting Places, Cart stands and Other Vehicle Stands) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Secretary' means the Secretary of the Village Panchayat;

(c) 'Section' means a section of the Act;

(d) Words and expressions used and not defined in [these rules, but defined in] the Act shall have the meanings respectively assigned to them in the Act.

3. Panchayat to invite objections before providing public landing places, halting places, cart stands or other vehicle stands. — (1) A Village Panchayat shall, if it intends to provide any public landing place, halting place, cart stand or other vehicle stand, publish a notice in the notice board of the Village Panchayat and in any prominent place in each of its constituencies requiring the public to raise objections regarding the same, if any, in writing within thirty days and publish the fact of such publication of notice in any two local daily newspapers in the regional language having wide circulation in that Village Panchayat.

(2) The notice shall contain the survey number and the extent of the land in which it is intended to provide the landing place, halting place, cart stand, or other vehicle stand.

4. Village Panchayat to consider the objections. — The Village Panchayat shall, in cases where the approval of Regional Transport Authority is not required, consider the objections received from the public within the fixed day and dispose them within fifteen days.

5. Village Panchayat to obtain previous sanction of the Regional Transport Authority. —The Village Panchayat shall obtain previous sanction or the Regional Transport Authority before opening any public stand of halting place to motor vehicles.

6.Places which shall not be declared as halting places or cart stands. — A road or

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* Published in Kerala Gazette No. 50 dt. 18-12-2001, as G.O.(P) No. 4286/N1/1999/LSGD.

land abutting the road shall not ordinarily be declared as public halting place or cart stand:

Provided that in particular cases, if it is of opinion that there is sufficient space for road, a halting place or cart stand may be provided in consultation with the authority with whom the road is vested.

7. Other places not to be used as public landing place, halting place or cart stand **when such places are provided for.** — A Village Panchayat may, if it has provided public landing place, halting place or cart stand, prohibit within a distance fixed by it, using of any public place or side of public road by any person for the same purpose:

Provided that nothing contained in this rule shall apply to a motor vehicles [other than a stage carriage coming within the meaning of the Motor Vehicles] Act, 1988 (Central Act 59 of 1988).

Explanation. — A public place or the sides of a public road shall not be deemed to be used [as a public halting place or cart stand if a vehicle used] for the carriage of passengers stops there for a time not exceeding two minutes for the purpose of getting down or picking up passengers or their luggage or if a vehicle used for the carriage of goods stops there only for the time required for the loading and unloading of goods.

8. Publication of notice regarding providing of landing place, halting place and cart stand. — The Village Panchayat shall, if provides a landing place, halting place, or cart stand, publish the fact of such providing including the location of its opening and the rate of fee to be paid for its use, in important places of the Village Panchayat area and in the notice board of the Village Panchayat. A notice, specifying the rate prescribed by the Village Panchayat including the details of the name of the person authorised to collect the fee and the distance within which opening of another public cart stand or similar place is prohibited, shall be affixed in a notice board conspicuously placed in public landing places, halting places and cart stands.

9. **Rate of fees**. — (1) Fee shall be levied for the use of a public halting place or cart stand at the rates not exceeding the following, namely: —

		Maximum fee for a period not exceeding 24 hours if no amenities are provided	Maximum fee for a period not exceeding 24 hours if amenities are provided
		Rs.	Rs.
1.	For every hand, cart, rickshaw, cycle or cycle rickshaw	1	2
2.	Auto-rickshaw	2	3
3.	For every cart drawn by animals	2	4
4.	For every mini bus, tempo, trekker and minilorry	4	8
5.	For every bus and lorry	6	10
6.	For every horse, ass, ox, cow, she buffalo and he buffalo	1	2

Note: — The minimum amenities to be provided shall be shelter for passengers, vehicles and animals, drinking water facilities and urinal.

(2) Fee shall be levied, for a single halt at a public halting place or landing place, .subject to the minimum and maximum rates specified below, namely :—

		Minimum	Maximum
		Rs.	Rs.
1.	Motor boat or steam launch	3	6
2.	Steam or motor tug	4	10
3.	Cabin boat	1	2
4.	Vessels with capacity of one tonne or less	1	2
5.	Vessels with capacity of above one tonne and upto five tonnes	1	2
6.	Vessels with capacity of above 5 tonnes and upto ten tonnes	4	6
7.	Vessels with capacity of above 10 tonnes	8	12
8.	Raft	1	2
9.	Timber and fire wood upto 20 tonnes	8	12
10.	Timber and firewood above 20 tonnes for every additional tonne	1	2

Explanation. — 'Single halt' means a halt at the landing place for loading and unloading purpose at a time.

(3) Fee to be levied for storing goods in the space allotted in public landing places shall be as follows: —

		Rs.
1.	For storing of goods in 100 sq. feet space for one day	5
2.	(a) Rent for a single room per day	25
	(b) Rent for a double room per day	40
3.	For stay in public landing place for one day	5

Explanation. — 'Stay' means halt by a vessels or boat for more time than what is actually required for loading or unloading at a time.

10. Procedure in case of non-remittance of fee. — The officer authorised to collect the fee with respect to any vehicle or animal under these rules read with clause (a) of Section 227 may, if any person does not remit such fee on demand, seize and detain such portion of the goods or load in the vehicle, or over the animal attached to such vehicle, which in his opinion is sufficient to defray the amount due. The officer may if such vehicle or animal does not have such portion of goods or load or such portion of goods or load is not sufficient to defray the amount due, seize or detain the vehicle or animal.

11. Property seized to be sent to the secretary and the secretary to give notice thereof to the owner. — All properties seized under Rule 10 shall be sent within twenty four

hours to the Secretary or to the person authorised by the secretary to receive and sell such property and the secretary shall forthwith give notice to the owner of the property seized or, if the owner is not known or the whereabouts of such person is not known or such person is not a permanent resident within the Panchayat area, to the person who was in charge of the said property at the time of seizure or if such person could not be found, a notice shall be published slating that after the expiry of two days, excluding Sunday, from the date of service or publication of such notice, the property shall be sold by pubic auction at a place specified in that notice,

12. Property to be returned when the amount due is tendered. — The property shall, if at any time before the sale begins, the amount due on account of the fee together with a sum of fifty paise on amount of charges incurred in connection with the seizure and detention is tendered to the Secretary or the person authorised, as aforesaid, be returned forthwith.

13. Property may be sold, if no tender is made. — (1) The property may be sold, if not tendering is made as in Rule 12, and the sale proceeds applied to the payment of,—

(1) the amount due on account of fee;

(ii) penalty, not exceeding the amount of fee, as the Secretary may direct; and

(iii) charges incurred in connection with the seizure detention or sale.

(2) The surplus, if any, on the sale proceeds shall be paid to the owner of the property or to the person who was in charge of the property at the time of seizure.

14. Arrangements to be provided for passengers and motor vehicles in the bus stand. — (1) A Village Panchayat shall provide the following facilities in public cart stands and parking places for motor vehicles, —

(i) rest room for passengers and sufficient parking facility for buses passing through the stand;

(ii) toilet and urinals;

(iii) drinking water facility;

(iv) first aid unit with all equipment;

(v) fire extinguisher unit;

(vi) canteen;

(vii) clock room, at least in important bus stands;

(viii) boards showing the details:—

(a) regarding the facilities available and the conditions, if any, for using it;

(b) regarding the time table of buses passing through the stands;

(c) regarding the time table of trains timing if there is a railway station nearby;

(d) regarding important regional places; and

(e) regarding other information which the Village Panchayat may consider necessary.

(ix) public announcement system, if necessary, for informing the arrival and departure of buses;

(x) repairing sheds for repairing minor damages of vehicles;

(xi) an office suitable for using as a resting place for the employees of motor vehicles.

(2) The Village Panchayat shall invite quotations from the public every year to run the canteen and the announcement system and to maintain toilet and urinal and may, subject to the condition as it may impose, delegate such rights by issuing permits.

15. Public halting places, landing places and cart stands to be kept open to all. — Public halting places, landing places and cart stands shall be kept open to all persons irrespective of their caste, creed or sex.

16. People resorting to halting places, landing places and cart stands to obey orders of the Secretary. — Every person resorting to the public halting places, landing places and cart stands shall abide by the orders and instructions issued by the Village Panchayat Secretary or the person authorised in this behalf.

17. Begging to be prohibited within public landing places, halting places and cart stands. — No begging of whatever types shall be allowed at public landing places, halting places and cart stands.

18. Inspection. — Facility shall be rendered to the Collector or to any other officer authorised by him in this behalf, for the inspection of halting places, landing places and cart stands, at any time

19. Leasing of portions of baiting places. — (1) A Panchayat shall have the power to provide for lease, subject to the conditions as it may think proper to the higher bidder, for a period not exceeding one year, by auction or otherwise, of suitable portions of halting places, landing places, cart stands or other vehicle stands by parcelling them out subject to subsisting Kuthakapattom or other rights. The portion, excluding the portions so leased out, shall be made available for the use of halting place, landing place, cart stand or other vehicle stand and for the use of public resorting to that place.

(2) The Secretary shall, in the form fixed by the village Panchayat, signed by him and specifying the conditions as mentioned in sub-rule (1) therein, issue a permit to the lessee.

(3) No lessee, shall sub-let or otherwise part with the possession of the place obtained on lease, except with the previous permission of the Secretary.

20. Transferring of right to collection of fee. — (1) A Village Panchayat, may, by public auction, transfer the right to levy fee on places used as halting places, landing places or cart stands to the highest bidder, for a period not exceeding one year at a time and such lessee shall not levy fees at the rates higher than that fixed by the Village Panchayat and shall have no power to levy any fees from lessees of holding place as per Rule 19.

(2) The officers empowered to collect the fees and the persons having lease hold rights to collect the fees shall issue receipts for all money collected by them.

(3) The lessee shall keep the places clean and shall keep the premises removed of refuse and filth objects causing annoyance and inconvenience to the public.

21. Direct collection of fees. — The Village Panchayat shall, if for any reason it is found not possible to sell by auction the right to collection of fees, make arrangements for direct collection of fees.

22. Application for licence or renewal of licence to private cart stands. — (I) An application to open a private cart stand or to renew a licence shall be submitted to the Secretary of the Village Panchayat. Such application shall specify—

(1) the details such as the name of the place, the survey number, the boundaries of the land on which it is proposed to establish new cart stands or to continue an existing one etc.;

(ii) the existing can stands and the name of the place where the nearest existing cart stand is situated;

(iii) the distance between the two;

(iv) the name, age, occupation and residence of the applicant;

(v) the nature and extent of ownership of the applicant over the land; and

(vi) in the case of an existing cart stand, the period for which the place is being used as cart stand.

(2) In case it is proposed to open cattle stands as an accessory to cart stands, a sketch showing the site, structures, entrances, passages, gates, drainages and the location of existing or proposed latrines or urinals, shall be attached along with the application.

(3) The applicant or applicants shall, along with the application for licence to open new cart stand deposit the amount required by the Secretary for the expenses of publication charges of the notification regarding the establishment of the cart stand and the applications which are not accompanied by such deposit shall not be accompanied by such deposit shall not be considered.

23. The Village Panchayat to dispose of applications for licence. — The Village Panchayat shall dispose of all applications to open private cart stands:

Provided that the Village Panchayat shall obtain previous sanction of the Regional Transport Authority before sanctioning a private cart stand for motor vehicles. The licence shall be issued in the form appended to these rules,

24. Licence to expire at the end of the financial year. — Every licence granted under these rules shall expire at the end of the financial year for which the licence has been granted.

25. Licence fee.— (1) The Village Panchayat shall fix the fee for granting of new licence, subject to the maximum amount provided in sub-section (5) of Section 228.

(2) The fee for renewal of licence shall be the same amount as that for an original licence.

26. Licence to carry out the orders of the Secretary. — The Licensee of a private cart stand shall carry out all orders issued to him in writing, with the permission of Village Panchayat, by the Secretary or the person authorised by him.

27. **Rate of fee for private cart stands.** — The fee for private cart stand shall not exceed the rate fixed by the Village Panchayat under Rule 9,

28. Responsibility of licensee for violation of conditions. — The licensee of a private cart stand shall be responsible for the violation of any condition of the licence by his agent, lessee or servant.

29. Certain rules relating to public cart stands to apply to private cart stands. —

Rules 15 to 18 in these rules shall be applicable to private cart stands also.

30. Penalty for breach of rules. — Any person violating or abetting the violation of Rules 16,17,26 and 27 shall, on conviction by a Magistrate, be liable to pay a fine not exceeding fifty rupees and if the breach is continued, be liable to pay additional fine of Rupees ten for each such day.

FORM OF LICENCE

(See Rule 23)

.....Village Panchayat

Licence No .....

Permission is hereby granted to Shri/Smt ..... (here enter name)..... (here enter address; for opening a Private cart stand in ..... (here enter area of land) comprised in Survey Number ..... of..... ..... Village (here enter name of revenue village) in ..... Panchayat (here enter name of Village Panchayat) on advance remittance of Rupees.....as licence fee, subject to the rules made under Section 228 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(2) The licensee shall keep the licence in his possession and shall produce it whenever required by the Regional Transport Authority or the officer authorised by him in this behalf, the Secretary or officers authorised by the Secretary, or the District Collector or the officer authorised by him.

(3) Facility shall be rendered at all times to the officer authorised by the Village Panchayat, the Secretary or the Officer authorised by him in this behalf, Public Health Officers of the Village Panchayat Department, the District Collector or the Officer authorised by him in this behalf, for the inspection of the cart stand.

(4) The breach of any of the provisions of the Kerala Panchayat Raj (Landing places, Halting places and Cart Stands) Rules, 1995 shall culminate in the forfeiture and cancellation of the licence.

Place: Secretary,

Date: ..... Village Panchayat

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Section 227 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers Village Panchayats to provide public landing places, halting places and cart stands and Section 228 empowers them to issue licence to private cart stands. It also empowers Government to make rules regarding the use of cart stands, etc., levy of fees forfeiture and sale of the concerned vehicles, animals or the portion of goods or load carried by it. This notification is intended to achieve the above purpose.

*THE KERALA PANCHAYAT RAJ (PROFESSION TAX) RULES, 1996

S. R. O. No. 15/96. — In exercise of the powers conferred under Sections 204 and 205 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Profession tax) Rules, 1996.

(2) They shall come into force on the 1st day of April, 1996.

2. Definitions. - In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Bill/Demand notice' means a notice of the tax assessed totally and published addressing the tax payer and demand in writing the profession tax and requesting the tax payer to pay profession tax liable to be deducted or collected from the salary of the employee by the employer/head of office, intimation regarding the assessment of tax payable by the tax payer, reply to the objectives, decision of appeal or other actions to realise the arrears. Such intimations/ notices shall have the effect of a "notice' specified in Section 240 of the Act;

(c) ‘Transacts Business' means (i) the doing of acts or business of whatever nature whether isolated or not, such as soliciting, obtaining or transmitting orders or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

(ii) Where for the purpose of transacting business, within the Panchayat area a company or person has an office or an agent the company or person shall be deemed to transact business within the Panchayat area whether or not such office or agent has power to make binding contracts on behalf of the company or person, and person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by the company or person;

(iii) A company or person otherwise liable to pay profession tax under Sections 204 and 205 shall not cease to be liable to such tax by reason only if its or his head office or the place from which its or his business is controlled being situated outside the Panchayat area or by reason only of the fact that its or his transactions are closed outside the Panchayat area;

(d) 'Head of Office' or 'employer' means the person authorised to draw or pay the salary of employee of the industry or department or the Administrative Office, Manager, Secretary or head of Office of the Central or State Government or of a public or private sector undertaking;

(e) 'Requisition' means a specific demand made in writing to the employees by the Secretary

* Published in Kerala Gazette No. 14 dt. 02-04-2001 as G.O.(P) No. 23417/N1/2001/LSGD.

to give the details connected with the levying of tax or intimating the employee for the purpose of levying of tax or service of any bill/demand notice and the due receipt and return of duplicate by the addressee or of the deduction/collection of profession tax from the salary of the employee for prompt payment in the Village Panchayat and includes requisition to give the required particulars for proper recording of accounts or for further action in the matter;

(f) 'Section' means a section in the Act;

(g) 'Secretary' means the Secretary of the Village Panchayat;

(h) Words and expressions used, and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Maximum rates of half-yearly -tax. — *[(1) തൊഴിൽക്കരം നിശ്ചയിക്കേണ്ട ആവശ്യത്തിലേക്കായി കമ്പനികളേയും വ്യക്തികളേയും അർദ്ധവാർഷിക വരുമാനത്തിന്റെ അടിസ്ഥാനത്തിൽ താഴെ പട്ടികയിൽ (2) –ാം കോളത്തിൽ പറയുന്ന പ്രകാരം തരം തിരിക്കേണ്ടതും അങ്ങനെയുള്ളവരിൽ നിന്നും ഓരോ അർദ്ധവർഷത്തേയ്ക്കും ഈടാക്കേണ്ട പരമാവധി തൊഴിൽ നികുതി പട്ടികയിൽ (3)–ാം കോളത്തിൽ പറയുംവിധമായിരിക്കേണ്ടതുമാണ്, അതായത്:–

പട്ടിക

സ്ലാബ്	അർദ്ധവാർഷികവരുമാനം രൂപ	പരമാവധി അർദ്ധവാർഷിക നികുതി രൂപ
(1)	(2)	(3)
I	12,000 മുതൽ 17,999 വരെ	120
II	18,000 മുതൽ 29,999 വരെ	180
III	30,000 മുതൽ 44,999 വരെ	300
IV	45,000 മുതൽ 59,999 വരെ	450
V	60,000 മുതൽ 74,999 വരെ	600
VI	75,000 മുതൽ 99,999 വരെ	750
VII	1,00,000 മുതൽ 1,24,999 വരെ	1,000
VII	1,25,000 മുതൽ	1,250

(2) Village Panchayat shall determine the tax leviable on each class subject to the maximum rate specified in sub-rule (1):

*** Sub-rule (1) Substituted by S.R-O. No. 713/97, w.e.f 1-4-1997. Published in K.G.Ex. No. 1252 dated 10-9-1997.**

Provided that the tax leviable on any class determined by the Village Panchayat shall be in the multiples of rupees:

Provided further that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) Village Panchayat may exempt any one or more of the classes in sub-rule (1) of Rule 3 from the liability of profession tax:

Provided that no class shall be exempted from the liability of tax when persons in the lowest class are liable to pay tax.

4. Transaction of business and exercise of a profession. — A company shall be deemed to have transacted business and a person shall be deemed to have exercised a profession, art or calling or held an appointment within a Village Panchayat area if such company or person or persons has an office or place of employment within such Village Panchayat area.

5. Determination of tax when the business is confined exclusively to a single **Village panchayat area.** — Where a company or person transacts business in a half year exclusively in the area of a single Village Panchayat, the income of such company or person from the transaction of such business shall, for the purpose of levying profession tax under the Act during that half year be deemed to be-

(a) Where income tax or agricultural income tax or both is/are assessed on such company or person under the Income Tax Act, 1961 (Central Act, 43 of 1961), or the Agricultural Income Tax Act, 1991, for the year, comprising the half year, one half of the amount at which the profits and gains of such business are computed under Section 5 of the Agricultural Income Tax Act, 1991 for the purpose of assessing the income tax or agricultural income tax or the sum of both such amounts and

(b) Where the amount of the said profit and gains of such company or person is not ascertainable or where such company or person is not assessed to income tax or agricultural income tax, such percentage or percentages calculated with reference to Rule 6 of the turn over of the business transacted in the area of the Village Panchayat during the half year or where this is also unascertainable the profit and gains during the corresponding half year of the previous year shall be considered as the income.

6. Percentage of turnover. — For the purpose of calculating the income for levying profession tax, the percentage of turnover or business under clause (b) of Rule 5 and Rule 7 shall be as specified in the following table:

Provided that if in any case, the income so calculated is less than the minimum sum

specified in column (3) of the said table, the percentage shall be enhanced to such a rate as would yield such minimum sum:

TABLE

		Percentage	Minimum
	(1)	(2)	(3)
(1)	Where the turnover of business exceeds 20 lakhs of rupees	3	80,000
(2)	Where the turnover of business exceeds 16 lakhs of rupees but docs not exceed 20 lakhs of rupees	3	54,000
(3)	Where the turnover of business exceeds 8 iakhs of rupees but does not exceed 16 lakhs of rupees	3.5	36,000
(4)	Where the turnover of business exceeds 4 lakhs of rupees but does not exceed 8 lakhs of rupees	4	24,000
(5)	Where the turn over of business exceeds 2 lakhs of rupees but does not exceed 4 lakhs of rupees	5	15,000
(6)	Where the turn over of business exceeds 50,000 rupees but does not exceed 2 lakhs of rupees	6	6,000

7. Determination of income when business is transacted in two or more Village Panchayat areas. — Where a company or person transacts business, partly in the area of a Village Panchayat and partly outside such area the income of such company or person from the transaction of such business in the area of the Village Panchayat shall, for the purpose of levying profession tax under the Act, be deemed to be the percentage calculated with reference to Rule 6 of the turnover of the business transacted in such area during the half year or the corresponding half year of the previous year, as the case may be:

Provided that in the case of a company or person assessable to income tax, the total profits earned by the company or person as disclosed by the income tax assessment for the year comprising the half year for which the profession tax is to be levied, shall be divided in the proportion of the turnover of the business of the company or person in the Village Panchayat area and outside for the purposes of assessment to profession tax.

8. Determination of turnover. — For the purpose of clause (b) of Rule 5 and Rule 7, the turnover of business in any Panchayat area means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business transacted in such Panchayat area.

Explanation. — In determining the turnover of business under this rule, —

(a) Where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person is effected in the State, only the latter transaction shall be taken into account;

(b) Where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the State, the later transaction shall be taken into account;

(c) Where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the State and the delivery on account of the sale thereof by the same company or person is effected in any place outside the State, the former transaction shall be taken into account.

9. The Standing Committee to classify tax. — (1) The Standing Committee shall assign to the company or person the class in the scale appropriate to the half yearly income of such company

or person as estimated by it.

(2) The Standing Committee may, when classifying any company or person under sub-rule (1) do so on general considerations with reference to the nature and reputed value of the business transacted, the quantity and number of articles dealt with, the size and rental of business premises, the number of persons employed, the amount of agricultural income derived, the amount of income tax or agricultural income tax paid by such company or person.

10. Service of notice and the levy of profession tax. — (1) If, in the opinion of the Standing Committee profession tax is or will be due from any company or person for a half year, it shall serve a notice in form No. VI on such company or person in the succeeding half year requiring the company or person to furnish a return within 15 (fifteen) days showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession tax for the half year in question. Thereupon such company or person may submit a return showing the income derived by it or him during the half year for which profession tax is claimed or for the corresponding half year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

(2) If the Standing Committee is satisfied that the return is made as required under sub-rule (1) and that it is correct and complete, it shall levy the profession tax on such company or person on the basis of such return.

Explanation. — In cases not falling under clause (b) of Rule 5 or under Rule 7, if the company or person produces the notice of demand of income tax served on it or him under Section 156 of the Income Tax Act, 1961 for the year comprising the half year in question, the Standing Committee shall be bound to take one half of the income mentioned in such notice of demand as the income for the purposes of levying under the Act.

(3) If no return is made, as required under sub-rule (1) or if the Standing Committee is of the opinion that any return so made is incorrect or incomplete the Standing Committee shall, after giving the company or person a notice for showing cause against the action proposed, in not less than seven days assign to such company or person the class in scale appropriate to the half yearly income of the company or person as estimated by it.

(4) The Standing Committee may, when classifying any company or person under sub-rule (3) do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of the residential and business premises, the quantity and number of articles dealt with, the number of persons employed, the income tax or agricultural income tax paid and the return if any furnished under sub-rule (1).

11. Accounts not to be called for. — The Standing Committee shall not call for the accounts of any company or person ; but any assessee may produce his accounts to show that the net income derived by him from the exercise of his profession, art or calling or the transaction of his business within the Village Panchayat area falls below the lowest limit of income entered at the head of the class in which the Standing Committee has placed him and the Standing Committee shall revise the assessment if satisfied that the person or company should be placed in a different class.

12. Statements, return, etc. to be confidential. — All Statements made, returns furnished or accounts or documents produced, in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

13. Requisition on owner or occupier to furnish list of persons liable to tax. — The Secretary may, by notice, require the owner or occupier of any building or land and the Secretary

or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time, a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers, and specifying the profession, art, or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

14. Requisition on employers or their representatives to furnish list. — The Secretary may, by notice, require any employer or the head or Secretary or Manager of any public or private office, hotel, boarding or lodging house or club or a firm or company,—

(a) to furnish within a specified time, a list in writing, of the names of all persons employed by such employer or by such office, hotel, boarding house or company as officers, servants, dubashes, agents, suppliers or contractors with a Statement of the salary or income of such employed persons, and;

(b) to furnish particulars in regard to any company of which such employer or head. Secretary or manager, as the case may be, is the agent.

15. Intimation of change or transfer of trade. — Every person liable to pay tax shall, when changes the name of his firm or industry or art or place of business or makes any change in the nature of his industry or transfer his business, inform the Secretary in writing within thirty days from the date of making of such change or transfer.

16. Requisition on employers to furnish particulars of income or salary of employees. — (l)The Secretary shall, immediately after the expiry of the period required for the determination of profession tax of a half year, require the head of office or employer in Form No. 1, to furnish, within fifteen days, the details of total salary or income of the employees in Form No. II.

(2) The head of office or employer shall submit the particulars required by the Secretary within the specified time in Form No. II and publish a copy of the same in the notice board of that institution inviting the attention of the employees for a period of fifteen days from the date of forwarding of such particulars.

(3) The Secretary shall approve and enter those particulars submitted by the head of office or employer in the concerned register unless the employees objected the correctness of the particulars by producing records for evidence within fifteen days on receipt of it by the Secretary.

(4) The assessment of profession tax shall begin only if the employer makes available such particulars in Form No. II and the period of limitation for the demand as provided in sub-rule (3) of Rule 8 of the Kerala Panchayat Raj (Taxation, Levy and Appeal) Rules, 1996 shall be deemed to have been commenced only after the receipt of such particulars.

17. Determination of tax and intimation. — (1) The Standing Committee shall, as soon as possible on the receipt of particulars in Form No. II assess the tax as required under Rule 7 of the Kerala Panchayat Raj (Taxation, Levy and Appeal) Rules, 1996 and send a copy of the bill or notice of demand of tax so assessed to the concerned head of office or employer to exhibit in the notice board or do in whatever manner they deem fit so that the bill and demand notices have come to the notice of the concerned employees. The employee concerned may, if there is any objection against the assessment of tax, file the same before the employer or head of office within 30 days from the date of receipt of such notice.

(2) Notwithstanding anything contained in any other rules issued under the Act, a public notice issued under sub-rule (1) dispenses with the necessity of issuing tax assessment notice separately to each person.

(3) If any objection is received from persons by the Standing Committee, the same shall be disposed of as early as possible in any manner not exceeding 30 days and the fact shall be intimated to the person concerned.

(4) If there are such objections the amount fixed after disposing of the same shall be the profession tax.

18. Demand of leviable tax. — (1) The Secretary shall, immediately after the time fixed for submitting objections against the assessment of profession tax and in other cases immediately after the disposal of objections, get two copies of the bill/demand notice to tax payers in Form No. Ill prepared and forward the same to the employer along with the application (with two copies) in Form No. IV and the employer/Head of Office shall serve the same to the employees/labourers there within the period specified in the notice and shall return the duplicate with the acknowledgement of its receipt.

(2) The Secretary shall maintain a register in Form No. V for the purpose of watching the progress of demand of profession tax and the time of levy of tax of the employees/labourers for each half-year, under these rules.

(3) The Panchayat shall issue a copy of the register in Form No. V to the head of office or employer for recording all the particulars.

(4) The Secretary shall, at the end of each half year, compare the amount and other particulars in the register maintained by the employer or head of office with that of the similar register kept by the Panchayat and confirm the correctness and shall endorse a certificate of verification with dated signature below the last entry made in the register.

(5) If any material difference is noted in the register maintained by the head of office/employer at the time of verification, they shall be informed in writing for rectifying such defects.

(6) The verification officer nominated by the Government shall have the power to verify these registers maintained in Form No. V, and the head of office/employer shall provide all assistance as requested for such verification.

19. Employer to Serve Bill/Demand Notice. — (1) The head of office/employer shall, immediately on receipt of the notice demanding profession tax to the employees/ labourers,

(a) verify and confirm the correctness of the particulars furnished to the Secretary /Standing Committee in Form No. II under sub-rule (1) of Rule 16 with the addresses of the employees/ labourers;

(b) return the demand notice, if the material particulars, the name or designation in the relevant particulars in the demand notice differ to the particulars in Form No. II rectifying such defects; and

(c) fill up the entries in columns (1) to (5) of the register in Form No. V and the second copy of the demand notice thereto including the statement furnished along with the application.

(2) The head of office/employer shall serve the Bill/Demand notice on the addressee within the date specified in the requisition and shall obtain the dated, signature in the second copy as acknowledgement thereof and shall, after recording in column (6) of the register in Form No. V, submit the same to the Village Panchayat Secretary within 15 days from the date of service of such notice.

(3) The employer/head of office shall, in case when the labourer/employee refuses to receive the notice treat the date of such refusal as the date of service of notice, record such fact in the

original and in the duplicate copy of the Bill/Demand notice and take immediate action on the presumption that the notice has been duly served on them. The head of office/employer shall keep the original of such notice in his possession and return the duplicate to the Secretary with necessary certificate.

20. Deduction of profession-tax from salary. — (1) The head of office/employer shall, in case where the employees/labourers who are in the acquittance roil receiving their wages or salary by cheque/ demand draft, immediately on serving the notice to those who are liable to pay profession-tax, deduct such profession-tax from the salary or wages for that month.

(2) The particulars of tax so collected shall be entered in columns (7) to (9) of the register in Form No. V.

(3) The amount so deducted shall be remitted in cash or by cheque or demand draft drawn in favour of the Secretary within 10 days along with a statement showing the name of employees and the amount they remitted.

(4) In the case of an employee who is transferred from an office to another office of the same department, the head of office who is relieving the employee shall be liable to recover and remit the amount of profession-tax to be paid by the employee and shall mention that amount also in the Last pay Certificate.

(5) In the case of retirement on superannuation or compulsory retirement of an employee or relieved to other department, salary shall be disbursed only after realising profession-tax from the salary.

21. Payment of Profession-tax by self drawing officer. — (1) A Self drawing officer shall, when he becomes a tax payer, make arrangements to remit the profession-tax in Village Panchayat or bank within the date and time specified in the bill/notice of demand.

(2) He shall inform the head of office or the employer the details of profession-tax to be remitted in the Village Panchayat immediately after the salary or wages is drawn after the time due for the remittance of profession tax.

(3) Each drawing and disbursing officer and self drawing officer shall furnish a certificate, in the salary bill for the month of February and August of every year, to the effect that the details of income as requested by the Secretary have been furnished and that all amounts due as profession-tax have been remitted showing the date on which the details of income have been furnished and the date on which the amount has been remitted.

22. **Furnishing of the details of tax collected.** — The head of office or the employer shall also submit the details showing the amount of tax collected, the name of tax payer, demand number, the tax amount demanded and the date of collection along with the tax amount or the cheque or demand draft.

23. **Issue of receipt for the amount remitted.** — The Secretary shall, after the remittance of the amount collected on account of tax by cheque or demand draft or in cash by the head of office or employer, issue receipt as per Rule 9 of the Kerala Panchayat Raj (Taxation Levy and Appeal) Rules, 1996, and such receipt shall be given to the tax payers, through the employer by a special requisition for this purpose. The head of office or employer shall enter the details regarding such receipt and its service, in columns (12) and (13) of the register in Form No. V.

24. **Offences and penalties.** — (1) If any person, when required by the Secretary under these rules does not comply with it or furnishes false information shall be liable to be prosecuted

and if convicted, shall be punished with fine of Rs. 100.

(2) In addition to and without affecting the above, if the profession-tax included in any bill or demand notice becomes arrear due to the failure on the part of head of office or employer who is liable to deduct or collect such amount by serving notice or to remit such amount shall recovered from such head of office or employer as an arrear from him as provided under Section 210.

(3) Nothing contained in this rule shall prevent Village Panchayat from initiating prosecution against a tax payer or to institute a suit in a Civil Court for recovering any tax arrears due under the Act or the rules.

25. **Removal of difficulties.** — If any difficulty or doubt arises in giving effect to these rules, such matters shall be referred to the Government and the decision of the Government thereon shall be final.

FORM-I

(See sub-rule (1) of Rule 16)

Requisition of details of Employees

No: Place .....

Date .....

From

..... Secretary,

..... Village Panchayat.

To .....

.....

Sir,

Subject; — Profession-tax assessment-Requisition of details of income of employees,to assess the profession-tax for the half year ending……. reg.

Reference: —Rules 14 and 16 of the Kerala Panchayat Raj (Profession-tax) Rules, 1996.

As per the rules referred to above, I request you that the Particulars regarding the total income of employees/labourers engaged in any worker employment in your establishment for an aggregate of not less than 60 days in half year ended ..... may be submitted in form No. II enclosed herewith within 15 days after the receipt of such application for the purpose of assessing the profession tax; and

The non-compliance of furnishing of details so requested within the time specified or furnishing false information shall be an offence under Section 263 of the Kerala Panchayat Raj Act, 1994 and Rule 24 of Kerala Panchayat Raj (Profession-tax) Rules, 1996.

I hereby inform you that the copy of particulars forwarded in Form No. II shall be published in the notice board of your establishment, for a period not less than 15 days from the date of such despatch, for the general information and verification of employees/ labourers.

Yours faithfully,

Secretary,

.....Village Panchayat.

FORM II

(See Rules 14, 16)

Statement of Income of Labourers/Employees for the Half Year from 1-4-199 - To 30-9-199 /1-10-199 - To 31-3-199

Serial No.	Name	Designation	Official address (including Division Number, Code num	Salary (including special pay & personal pay)	Dearness Allowance	Other fixed Allowances	Bonus	Other payment	Total Income	Date of entry in service	If relieved, that date	If out of station due to transfer, pension etc., permanent address	Remarks
1	2	3	4	5	6	7	8	9	10.	11	12	13	14

Place:

Head of Office/Employer.

Date:

FORM III

[See Rule 18 of the Kerala Panchayat Raj (Profession Tax) Rules, 1996 and Rule 8 of the Kerala Panchayat Raj (Taxation, Levy and Appeal Rules, 1996].

Demand Notice

Secretary,

.....Village Panchayat.

To

Sri/Smt.....

WHEREAS, on the basis of income for the first/second half year ending..... furnished by your Head of office/Employer you are liable to Profession Tax for that half year and your Profession Tax has been duly assessed under Rule 6 of the Kerala Panchayat Raj (Taxation, Levy and Appeal) Rules, 1996 and Rule 17 of the Kerala Panchayat Raj (Profession Tax) Rules, 1996.

AND WHEREAS, the details of such tax assessment has been published in the Panchayat and in your establishment, but you have not raised any objection within the specified time against the tax assessment/the objection raised by you have been disposed off.

NOW THEREFORE, I hereby demand you to pay Rs..... (in figures) ..... as Profession Tax for the employment held/profession exercised in the establishment for the half year ending.....

Immediately on receipt of the notice, the Head of Office/Employer is bound to deduct the above said amount from your salary. In the case of self drawing officers such amount .shall be given to the employer from the salary-drawn, immediately on receipt of the notice.

If the Employer/Head of office who is liable to remit the Profession Tax as per demand notice within the time specified under the rule does not remit accordingly, such tax shall be recovered from him as per Section 205 read with Section 210and he is liable for punishment as provided in the law for the failure, lapse or such deeds thereon.

It is also stated that any appeal on the demand shall be considered only if it is satisfied that the full amount in the notice has been remitted as provided in Section 276.

Secretary,

Village Panchayat.

FORM IV

(See Rule 19)

Requisition for the service of demand notice and for the collection of Profession Tax

No. Place:

Date:

From

Secretary,

..... Village Panchayat.

To

Sir,

Sub: —Collection of Profession Tax—Requisition for the service of demand notice and for collection and remittance of tax amount — regarding.

Ref: —Section 205 of the Kerala Panchayat Raj Act, 1994 and Rules 19 and 20 connected therewith.

As per the provisions of the above said Act, I am sending herewith two copies of the demand notice for Profession Tax for the Half Year ending 30-9-199—/31-3-199—of the employees/labourers in your establishment. The list showing the tax payees and the demand amount is also enclosed herewith.

1 hereby request you, —

(1) to serve the original demand notice on the tax payees and to return the duplicate copy with the dated signature to show that they have received the notice along with the second copy of this requisition and the second copy of the list appended herewith duly filled up the columns (5), (6) and. (7) therein;

(2) to deduct the tax amount demanded from their salary for that month immediately on the service of demand notice to the employees and to remit the same by cheque/demand draft or by cash in favour of the undersigned ;

(3) to collect the tax amount of the self drawing officers and to remit by cheque/demand draft or in cash in favour of the undersigned at the end of the month ; and

(4) to maintain the Register in Form No. V and to fill up all the columns therein to watch the progress of tax collection.

I also inform you that non-compliance of any of the above said requisitions is an offence under Rule 24 of the Kerala Panchayat Raj (Profession Tax) Rules, 1996 and that Section 210 of the Act and the relevant rules made thereunder shall be binding if the conditions of the demand are not complied with or on failure to deduct, collect and to remit the tax amount within the specified time. It is also hereby informed that non-compliance of any of the directions mentioned above shall be an offence under Rule 24 of the Kerala Panchayat Raj (Profession Tax) Rules, 1996. and that failure to deduct, realise and remit the total demand amount within the specified time shall be an offence under Section 210 of the Act and the rules made thereunder.

Yours faithfully,

Secretary,

.....Village Panchayat.

ANNEXURE TO FORM No. IV
(See Rule 18)
Statement regarding notice of demand sent along with Application

Serial No	Name of Tax payer and Demand No.	Demand Amount	Date of sending Demand Notice	Date of service of Demand Notice	Present address of taxpayer if out of station by reason of transfer etc.	Date of returning of the second copy
1.	2.	3.	4.	5.	6.	7.

Signature (with date)

Secretary

.....Village Panchayat

Signature (with date)
Head of Office/employer

In the case of person who is transferred from one office to another office in the same department, the Officer who relieves him shall enter the Profession Tax to be remitted by him in the Last Pay Certificate and shall realise and remit the amount and in the case of a person who retires from services, salary shall be disbursed only after realising the tax amount from his last salary [See Sub-rules (4) and (5) of Rule 20].

FORM V

(See Rule 18)

Name of the Village Panchayat.....

Name of establishment.....

Half Year:

In the case of deduction from salary									In the case of self drawing Officers							
Serial No.	Name and Designation	Unit/section of employees/labourers with Code Number	Demand Number	Demand Amount	Date of service of Notice	Amount collected	Date of deduction from the salary	Date of remittance of amount in the Panchayat, Cheque/D.D. No. If by cash state the particulars	Date of collection	Date of remittance of amount in the Panchayat	Cheque/D.D.No., date. If by cash, state the particulars	No. and date of receipt issued by the Panchayat	Date of issue of receipt to employees/labourers	Date and details if any other notice is served	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13	14.	15	16.

(Signature)
Secretary/Verification Officer:

(Secretary)
Employers/Head of Office

FORM VI

[See Sub-rule (1) of Rule 10]

Requisition for particulars relating to income from professions or other means

No .....

From

The Secretary,

..... Village/Panchayat.

To

Sir,

Sub. — Assessment of Profession Tax—Furnishing particulars of income for levying Profession Tax for the half year ending .....Regarding.

Ref.— The Kerala Panchayat Raj (Profession Tax) Rules, 1996.

The correct details of your income or the income of your establishment from profession or from other means for the half year from 1st April 199 .....to 30th September, 199.... 1st October, 199....to 3IstMarch, 199 ..... shall be furnished in Form No .....and forwarded to this office within 15 days from the date of receipt of the letter containing the requisition. If, for any reason, the filled up form is not furnished or false informations are furnished, prosecution steps will be taken against you in accordance with the provisions of Section.....and the tax to be levied shall be determined by the Standing Committee as per sub-rule (3) of Rule 10.

Particulars of installments regarding the income to levy profession tax for the half year ending.....are given below.

(1) Name of Company/establishment/person.

(2) Description of business or profession or art or calling or employment.

(3) Income derived by the assessee during the half year or the corresponding half year of the previous year; -

(a) from the transaction of any business made within the Panchayat area during the half year for a period not less than 60 days in the aggregate:

(b) from the exercise of any profession or art or calling or holding any appointment, public or private or other money lending business or agriculture done outside the Panchayat area if the assessee has resided within the Panchayat area for a period for not less than 60 days in the aggregate.

(4) Where the business is transacted exclusively within the Panchayat area,—

(a) Where income tax has been assessed on the company or person for the year comprising the half year, the amount of the profits and gains of such companies/persons computed under Section 20 of Income Tax Act, 1967 for the purpose of assessing such income-tax;

(b) where the said profits and gains are not ascertainable for the year comprising the half year.-

(i) the turn over of the business transacted within the area during the half year; or

(ii) where such turn over is not ascertainable the turn over of the business during the corresponding half year of the previous year.

(5) Where such turn over not ascertainable, the turn over of the person partly in the Panchayat area and partly outside such Panchayat area, —

(a) the turn over of the business transacted in the Panchayat area during the half year; or

(b) where such turn over is not ascertainable, the turn over of the business in the Panchayat area during the corresponding half year of the previous year.

(6) The income derived by the assessee, —

(a) from the business transacted outside the Panchayat area; or

(b) from any pension or deposit during the half year if the assessee has resided within the Panchayat area for not less than 40 days in the aggregate during the half year; or

(c) from agricultural income.

(7) The aggregate income on the basis of which according to the company or person, it or he is liable to be assessed.

Yours faithfully,

(Sd.)

Place: Secretary,

Date: ..... Village Panchayat.

ANNEXURE TO FORM No. VI

Statement submitted in the office of the Village Panchayat for calculating the total income for the half year/one year from 1st April, 199..... to 30th September, 199 ..... /1st October, 199.....to 31st March, 199..... in accordance with Rule 10 of the Kerala Panchayat Raj (Profession Tax) Rules, 1996 :

Name :

Address :

Occupation :

Place of work :

Serial No.	Particulars	Amount Rs.	Ps.	Remarks

1. PERMANENT INCOME

1 Salary/allowance/wages/gratuity/Bonus etc.
2 Fees/Commission
3 Pension
4 Interest from money transaction,
Bank Commission
5 Rent of building etc.
6 Other income

As my job in this period is in the.....establishment ..... the local authority has levied Rs.....as profession Tax.

Total.....

Serial No.	Particulars	Wages Rs.	Expenditure Rs.	Remarks

2. AGRICULTURAL INCOME

1 Income from paddy cultivation in..... hectare/acre..... cent/are of land.
2 Income from other items in .....hectare/acre ..... cent/are of land .
3 Income from agricultural land and other items.

As may permanent residence is under .....local authority the income furnished here is from my agricultural property within the ..... Village Panchayat

Income derived by me from..... properties under.....local authority, also furnished here.

Total .....

Serial No.	Particulars	Amount Rs.	Ps	Remarks

3. FROM OTHER EMPLOYMENTS

1. Estimated income for the year .....for levying tax by income Tax Department.
Income relating to.....business.
2. Since account for this year has been prepared amount of the same period in the last year.

Total:

Aggregate Total:

Since my permanent residence/place of work is under. .....local authority, an amount of Rs..... has been assessed as profession tax on me for the year.... particulars furnished in this statement about me as/has not been taken into account there proper and true account on details given above has/has not been maintained.

(Sd.)

Place: Employer/establishment/

Date: person/tax payer.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Section 204 of the Kerala Panchayal Raj Act, 1994 (13 of 1994) empowers the Village Panchayat to levy profession tax from those who are working in the area of a Village Panchayal. This Notification is intended to achieve the said object.

*THE KERALA PANCHAYAT RAJ (USING OF FACSIMILE STAMP OF SIGNATURE OF PRESIDENT AND SECRETARY) RULES, 1996

S. R. O. No. 93/96. — In exercise of the powers conferred by clause (xxvi) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following Rules, namely:—

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Using of Facsimile Stamp of Signature of President and Secretary) Rules, 1996.

(2) They shall come into fierce at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means a Village Panchayat, a Block Panchayat or a District Panchayat;

(c) 'President' means the President of a Village Panchayat or Block Panchayat or District Panchayat, as the case may be;

(d) 'Secretary' means the Secretary of a Village Panchayat or a Block Panchayat or a District Panchayat as the case may be;

3. Affixing of facsimile stamp of signature of the President or the Secretary. — (1) If there is a provision that the licence, permission, notice, bill, schedule, summons or any such document or deed issued under the Act or any rule or bye-law made thereunder shall bear the signature of the President or the Secretary, affixing of the facsimile stamp of signature of the President or the Secretary shall be deemed to be sufficient signing of such document or deed by the President or the Secretary.

(2) Nothing provided in sub-rule (1) shall apply to cheques for withdrawing Panchayat fund, or contract agreements or deeds made for the Panchayat.

(3) The President and the Secretary shall keep their respective facsimile seal of signature and avoid its misuse.

Explanatory Note

(This does not form part of the Notification., hut is intended to indicate its general purpose.)

Clause (xxvi) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make rules regarding the use of facsimile stamp signature of the President and the Secretary. Government have decided to make rules accordingly. This Notification is intended to achieve the above purpose.

* Published in Kerala Gazette (Extra) No. 982 dt. 26-05-2001, as G.O.(P) No. 48219/N1/1998/LSGD.

THE KERALA PANCHAYAT RAJ (TAXATION, LEVY AND APPEAL) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Taxation, Levy and Appeal) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 110/96. — In exercise of the powers conferred by Section 210 and 241 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Taxation, Levy and Appeal) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,-

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure for passing resolution determining the levy of tax. — Any resolution passed by Panchayat for levying any tax enumerated in the Act shall specify the rate at which and the date from which any such tax shall be levied.

Provided that the Panchayat shall before passing any resolution for levying tax for the first time or for increasing the rate of an existing tax, publish a notice at least in one newspaper published in the main language of the locality, on the notice board of the Panchayat and in the places specified by the Panchayat and advertise by using pamphlet and loudspeaker of such intention, fix a reasonable period not being less than thirty days for submission of objections and consider the objections, if any, received within the period specified.

Provided further that any resolution passed for abolishing an existing tax or for reducing the rate of tax at which it is levied, shall be reported to the officer authorised by the Government for this purpose and such reduction or abolition shall not be carried out into effect without the sanction of the officer authorised by the Government for this purpose:

Provided also that, where any resolution under this rule has been put into effect for a particular year, no proposal to alter the rates or date of effect fixed in such resolution shall be taken into consideration in that year by the Panchayat.

4. **Publication of new taxes.** — If a Panchayat, subject to the provisions in these rules,

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* Published in K.G. Ex. No. 1133 dt.2-8-2001. G.O. No.l8619/Nl/2000/LSGD.

decides to levy any tax for the first time or at a new rate, the Secretary shall publish forthwith a notice on the Notice Board of the Panchayat and at places specified by the Panchayat specifying the rate at which, the date from which and the period if any, for which such tax shall be levied and this information shall be advertised by using pamphlets and loudspeakers.

5.Secretary to maintain assessment books. — (1) The Secretary shall maintain the assessment books in the specified form and such books shall contain the name and details of the persons and properties which may be liable to be taxed under the Act.

(2) Notwithstanding anything contrary contained in any other rules issued under the Act, the assessment books and where detailed particulars relating to any assessment of tax are kept in separate records, the portion thereof containing such particulars, shall be kept open at all reasonable times for inspection, free of charge, by any person who pays any tax to the panchayat or his authorised agent and such person or agent shall be entitled to take extracts, free of charge, from any part of such books and records.

(3) Notwithstanding anything contrary contained in any other rules issued under the Act, the account books of the Panchayat shall be kept open on any day or days fixed by the Panchayat in each month for inspection, free of charge, by any person who pays any tax to the Panchayat or his authorised agent.

6. Standing Committee to assess tax. — The Standing Committee shall, save as otherwise provided in the Act and the rules made thereunder, assess the tax which each person is liable to pay:

Provided that, in- the case of taxes liable to be paid by the members of the Standing Committee, the original assessment shall be made by the Panchayat.

7. Powers of Panchayat to give directions to amend assessment books. — (1) If it appears to the Panchayat at any time that any person or property has been inadequately assessed or that such person or property has been inadvertently or improperly omitted from the assessment books or that there is any clerical or arithmetical error in the said books relating to any tax, it may direct the Standing Committee to amend the said books in such manner as it may deem just or necessary:

Provided that where it involve an increase in the tax or any imposition of fresh tax, no such direction shall be given, unless the person concerned has been given a reasonable opportunity to show cause before the Panchayat as to why the assessment books should be amended as proposed.

(2) Such amendment shall be deemed to have come into force from the current year on which the circumstances justifying the amendment was in existence or in the two half years immediately preceding the amendment whichever is earlier.

8. Service of Bill. — (1) Where any tax is due from any person, the Secretary shall, save as otherwise provided in the Act or rules made thereunder, serve upon such person a bill for the sum due.

(2) The bill under sub-rule (1) shall be signed by the Secretary and shall contain the following matters,-

(a) the date of issue thereof;

(b) the period or periods for which the tax is levied and a statement regarding that period or periods.

(c) description of the occupation, building, land or property for which the tax is levied;

(d) the last date or dates for the payment of tax; and

(e) a statement regarding the liability for default, if any, made in remittance of money.

(3) Where a bill referred to in sub-rule (1) relating to profession tax has not been served either in the half year to which the tax is related or in the succeeding half year, the tax for the half year first mentioned shall not be demanded.

9. Issuance of receipt. — (1) The Secretary shall, to every person making payment of tax, issue a receipt signed by him or by any other person duly authorised by him for that purpose.

(2) Such receipts shall specify the following matters,-

(a) the date of issue;

(b) name of the person to whom it is issued;

(c) the tax in respect of which remittance has been made;

(d) the period for which payment has been made; and

(e) the amount paid in (in figures and words).

10. Appeal. — (1) Appeal shall lie to the Panchayat in respect of any assessment and levy of any tax made by the Standing Committee.

(2) Appeal shall be filed in writing within 30 days from the date of receipt of the bill under sub-rule (1) of Rule 8 and shall specify the objections and reasons for appeal precisely and distinctly.

11. Procedure on appeal. — The Panchayat may on its own motion or otherwise, within fifteen days of service of notice to the person concerned and after considering the objections, if any, submitted by him after service of notice, cancel or modify any order passed by the Standing Committee reducing, or remissioning or enhancing a tax.

12. Appeal on the decision of the Panchayat. — (1) Any person having objection on the decision taken by the Panchayat under Rule 11 regarding the issuance of any notice or other proceedings taken by a Panchayat may file an appeal before the officer authorised by the Government in this behalf under sub-section (2) of Section 276 of the Act within thirty days from the date of receipt of such notice or order.

(2) No appeal shall be filed against the imposition of tax unless the tax demanded in the demand notice has been remitted.

(3) The officer authorised in this behalf may, on receipt of a petition under sub-rule (1), pass appropriate orders on such petition and until such order is passed, if deemed necessary, give directions to the Panchayat in writing to keep in abeyance all proceedings which is a subject matter in the appeal.

(4) The said officer shall, after examining the appeal and records give an opportunity to the persons concerned for personal hearing, take final decision on the appeal not later than three

months and communicate the decision taken to the persons concerned in writing. (5)

The above said decision shall be final as far as the appeal is concerned.

13. Implementation of the decision on appeal. — The assessment books shall be corrected in accordance with the decision on the appeal and in the event of reduction or remission of tax, the excess amount remitted shall be refunded:

Provided that if any sum is due to the Panchayat from the assessee that may be set off against such sum to be refunded and if there is no such sum due and if the assessee requests the president to adjust the said sum towards any amount that may become payable by him in future and it shall be credited accordingly.

14. Notice to be served before enforcing provisions of distraint. — (1) The Secretary shall, where any tax due from any person has not been remitted on or before the due date, serve upon such person a demand notice requiring him to pay the tax together with notice fee of one rupee and the cost of service of the notice if sent by registered post, within fifteen days from the date of service of notice, before taking the proceedings under Section 210 of Act.

(2) Notice under sub-rule (1) shall be signed by the Secretary and shall contain the following matters,-

(a) a statement regarding the period for which the tax is imposed, and description regarding the occupation, property or institution on which the tax is imposed;

(b) the amount of tax, fee of demand notice and cost of notice is sent by registered post;

(c) the date from which tax is due; and

(d) statement of the liability incurred on account of the default in remitting money.

15. Recovery by distraint. — If the amount due on account of any tax together with the fee of demand notice and the cost of service of the notice is not paid within fifteen days from the date of service of the notice and if the person from whom the tax is due has not shown cause to the satisfaction of the Secretary as to why it should not be remitted, the Secretary may, by distraint under warrant and by sale of the movable property of the defaulter, recover the amount due on account of the tax together with demand notice fee, cost of service of notice, warrant fee including the distraint fee together with such further sum that is sufficient for a meeting the actual expenses for the safe custody and sale of the property so distrained;

Provided that movable property described in the proviso to Section 60 of the Code of Civil Procedure, 1908, shall not be distrained.

(2) The warrant under sub-rule (1) shall be in Form No. 1 appended to these rules and for each such warrant a fee of five rupees shall be levied.

16. Civil suit for recovery of arrears.— Nothing contained herein shall bar the Panchayat from filing suit in a civil court for the recovery of any tax due to the Panchayat under the Act.

17. Power of the officer conferred with duty to execute warrant. — Any officer conferred with the duty to execute a warrant of distress under a special order of the Secretary in writing, it has reason to believe that any building contains property which is liable to be seized, may, in case it is not possible to obtain entry otherwise even after informing his authority and purpose and making a proper request for entry to execute distress, open or break open any outer

or inner door or window or other obstruction in such building or cause the same to be done between sunrise and sunset:

Provided that such officer shall not enter or break open the door of any room apportioned for the use of women until three hours, notice of his intention has been given and an opportunity has been given to such women to withdraw.

18. Procedure for seizure of property. — The officer conferred with the duty to execute a warrant shall, before making the distraint, demand the remittance of the tax due and the warrant fee. If the tax and fee are remitted no distraint shall be made, but where the tax or fee is not remitted, the officer shall, -

(a) seize the movable property of the defaulter as he may think necessary;

(b) make an inventory of the property seized in the presence of two witnesses; and

(c) give to the person in possession of the property seized, at the time of the seizure, a copy of the inventory and sale notice in Form No.2 appended to these rules;

Provided that a period of seven days shall be allowed for remitting the amount due and redeeming the property seized.

19. Distress not to be excessive. — The cost of the properties distrained shall, as far as possible, be equal to the sum total amount of the tax due from the defaulter together with all expenses that may be incurred on account of the warrant, distraint, keeping in safe custody and sale.

20. Sale of property distrained. — (1) If the amount due from the defaulter on account of tax, warrant fee, distraint fee and the expenses incurred on account of the safe custody of properties are not remitted within the period of seven days mentioned in the notice given under Rule 18 and if the distraint warrant is not suspended by the Secretary, the properties seized or a sufficient portion thereof shall be sold by public auction under the orders of the Secretary who shall apply the proceeds of the sale for the payment of the amount due on account of the tax, the warrant fee, the distraint fee and the expenses incurred on account of the detention and sale of property and shall return any property or sum which remains after the application of the sale proceeds as aforesaid to the person in whose possession the property was at the time of seizure. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incurred on account of the detention and sale of the property, the Secretary may again proceed under Rule 15 in respect of the sum remaining unpaid.

(2) The Secretary may sell the properties seized at any time before the expiry of the said period of seven days if the properties seized are subject to speedy and natural decay and the amount due is not paid soon.

(3) The distrainor shall, if the defaulter agrees to remit the arrears for the realisation of which the property has been distrained, together with incidental expenses, before the date of sale, receive the amount, issue receipt and release the property forthwith.

21. Secretary to consider objections. — The Secretary shall consider any objection submitted within the said period of seven days regarding the distraint made and may postpone the sale pending investigation thereof. If the Secretary decides that the property attached should

not have been distrained, he shall return it or if it has already been sold out, give the amount obtained out of the sale to the person found to be entitled thereto. The Secretary may, if he is convinced that the first defaulter wilfully permitted the distraint of the property when it was not liable to such distraint to his knowledge again take the proceedings under Rule 15, and shall recover from the defaulter all fees and expenses connected with the first distraint and sale.

22. Power of Government to call for records. — The Government or any officer authorised by the Government in this behalf may, call for the records relating to any distraint of any property made under these rules and after conducting such inquiry as they or he may deem fit, pass such orders as are found necessary. The Secretary shall enforce such orders.

23. **Levy of fees on distraint.** — (1) There shall be levied fees on distraints made under these rules according to the value of the property distrained and the rates specified below:

The Sum distrained for	Fees
(1)	(2)
	Rs. Ps.
Upto rupees 10	2 00
Above rupees 10 and upto rupees 25	5 00
Above rupees 25 and upto rupees 50	10 00
Above rupees 50 and upto rupees 100	20 00
Above rupees 100, 2 .00 rupees each for every 10 rupees	

(2) The above rates shall include all expenses to keep the property distrained.

(3) The fees levied under this rule shall not include the cost of maintenance of any livestock distrained.

24. Distraint to be confined to properties within the Panchayat area. — The property of a person who is in default under Rule 15 may be distrained wherever it may be found within the Panchayat area.

25. Distraint of property belonging to occupier of a building.— If the tax due on account of any building remains unpaid in whole or in part at the end of the period specified in Rule 15, the Secretary may require the occupier of the building for the time being , to pay the amount within a specified period not less than fifteen days and if the occupier fails to comply with such requisition, the Secretary may distrain and sell any movable property found in that building and the provisions in the foregoing rules shall mutatis mutandis apply to all distraints and sales effected under this rule. No such occupier shall be subjected to prosecution or civil proceedings in respect of any sum that is recoverable from him under this rule unless he has wilfull prevented the distraint or sufficient distraint.

26. Realisation of tax, from a person who has left the State or cannot be found. — If any tax due from any person remains unpaid in whole or in part at the end of the period specified in Rule 15 and if such person has left the State or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrears of land revenue.

27. Magistrate to recover tax, warrant fee etc.— (1) Any person subjected to prosecution under the second proviso to Section 210, if proved to the satisfaction of the Magistrate

to have wilfully defaulted payment of the amount due or have wilfully obstructed the distraint or sufficient distraint, shall be liable to pay,-

(a) the tax and warrant fee if any; and

(b) the distraint fee, if distraint has taken place, the expenses, if any, incurred on account of the detention and sale of the property distrained and fine not exceeding twice the amount that is due from him.

(2) Whenever any person is convicted of an offence under sub-rule (1), the Magistrate shall, in addition to any fine which may be imposed, by summary disposal recover amounts, if any, due under the items specified in clauses (a) and (b) of sub-rule (1) and also recover such amounts as may be fixed by him, if any, as costs of the prosecution proceedings and pay the same to the panchayat.

28. The Secretary, Panchayat Employees and the Committee Members not to purchase any property directly or indirectly. — The Secretary, any panchayat employee or any member of the Panchayat Committee shall not directly or indirectly purchase any property at any sale of distrained property held under these rules.

APPENDIX

FORM 1

[See sub-rule (2) of Rule 15]

Warrant No.....

To

..... (Here enter the name of the officer
..... charged with execution of warrant)
……
……

(Specify the tax or taxes due and if any, in respect of which the tax or taxes are due).

WHEREAS.....(Here enter the name of the defaulter) of..... (Here enter the address) has not paid or shown sufficient cause for the non-payment of the sum of Rs.....Ps.....due from him as tax or taxes including penalty and expenses as detailed above for the..... (state the assessment year) ending..... (state the last month of the assessment year) although the said .....(state the sum) has been duly demanded from the said.....(state the name).

AND WHEREAS fifteen days have elapsed since such demand was made;

NOW, THEREFORE, you are commanded to demand the said sum of Rs ..... Ps..... together with Rupees five as warrant fee , failing payment of which you are to distrain the movable properties of the said..... (state the name) to the amount of the said sum of Rs .....Ps.....together with Rs.....Ps..... for warrant fee and distraint fee, making together a sum of Rs .....Ps.....and such further sum as may be sufficient to defray the charges of keeping such distraint in custody and sale and failing payment of the amount due on account of the said tax or taxes and fee together with such further sum as may be sufficient to defray the charges of keeping such distraint in custody and sale within seven days next after such distraint

you are to sell the said movable properties under orders to be hereafter issued by me and to remit to the Panchayat office the sale proceeds of the distrained property out of which the amount remaining after deduction of the amount due on account of the said taxes, fines and fees, viz. Rs..... Ps ..... and the charges of keeping and selling such distrained property shall be credited to the Panchayat fund and the amount, if any, yet remaining, shall be refunded to the owner of the movable properties distrained. If it becomes impossible to effect the distraint or sufficient distraint of the movable properties of the said ..... (state the name) you are to submit a certificate stating the same along with the warrant.

Place: (Signature)
Date: *Secretary.*

FORM 2
FORM OF INVENTORY AND NOTICE

(See Rule 18)

[.....(state the particulars of the movable properties seized)]

Take notice that I have this day seized the movable properties specified in the above inventory for the sum of Rs .....Ps..... due as tax or taxes mentioned in the margin for the ..... (state the assessment year) ending..... (state the last month of the assessment year) ; and that unless you remit in the office of .....Panchayat the above said amount together with the warrant fee, the distraint fee and the cost for keeping the goods and chattels, within seven days from the date of this notice, the above said movable properties will be sold on ..... day of .....at the Panchayat Office or at such other place as the Secretary may direct and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

Place: Signature of Officer
Date : Executing distress warrant

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.)

Government have decided to make rules for the tax assessments tax levy appeal, distraint proceedings for the recovery of tax, etc., as per sub-section (1) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994). Hence this Notification.

*THE KERALA PANCHAYAT RAJ (REGULATION AND PROHIBITION OF USE OF PUBLIC OR PRIVATE SPRINGS, TANKS, WELLS AND OTHER WATER, COURSES) RULES, 1996

S. R.O. No. 266/96. — In exercise of the powers conferred by clause (iii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement.— (1) These rules may be called the Kerala Panchayat Raj (Regulation and Prohibition of Use of Public or Private Springs, Tanks, Wells and other Water Courses) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means a Village Panchayat constituted under clause (a) of sub-section (1) of Section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(c) 'Secretary' means the Secretary of the Village Panchayat;

(d) 'Section' means a Section of the Act;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Prohibition of Regulation of bathing of animals and washing of clothes etc. in public water courses, tanks etc.— The Panchayat shall have the power to regulate or prohibit the bathing of animals or washing of clothes or other articles or fishing in any public spring, tank, well or any public water course or part thereof within the Panchayat area for the protection of public health:

Provided that the Panchayat may set apart specially any public spring, tank, well or any other water course for the purpose of drinking, bathing, washing or for the bathing of animals.

4. Prohibition or Regulation of bathing of animals and washing of clothes etc. in private water courses, tanks etc.— The Panchayat shall have the power to regulate or prohibit the bathing of animals or washing of clothes or other articles in any private spring or tank or well or water course or part thereof within the Panchayat area, with the consent of the owner of such place.

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* Published in Kerala Gazette (Extra) No. 1134 dt. 26-08-2001 as No. 48233/N1/1998/LSGD.

5. Prohibition of use of water from any tank, well, spring etc., on grounds of public health. — The Panchayat shall, if it receives a certificate from the District Medical Officer of the Health Services Department or the officer authorised by him for this purpose or Assistant Engineer of the Kerala Water Authority, to the effect that the water from any tank, spring, well or other water course if used, is likely to cause contagious or other disease, have power to prohibit people from using water from such tank, spring, well or other water course to which they have access. Such prohibition shall be intimated to the public by notice and a copy of such notice shall be affixed in the notice board of the Panchayat and near the prohibited tank, spring, well or other water course, as the ease may be, in such a way that the public can see it.

6. Protection of unhealthy Private tank or, well. — The Panchayat may, by notice, demand the owner or any person having control over any private water course, spring, tank, well or other place used for drinking, bathing, washing clothes or taking water, to protect it by conducting repair and to clean it by removing the diluvium, waste materials, vegetarian etc. and to protect it from being contaminated by surface drainage, in the manner as it may deem fit.

7. Prohibition against use of public springs, tanks etc. for purposes other than for which they are set apart. — No person shall, if any public spring, tank, well or other water course has been set apart for any specific purpose as provided in Rule 3, use it for purposes other than for which they are set apart.

8. Penalty for violation of rules. — Whoever violates the rules mentioned above or provisions of any orders, notice or other directions issued by the Panchayat under the said rules shall, on conviction, be subject to a fine not exceeding rupees two hundred for first violation and also be subject to an additional fine not exceeding rupees fifty for each day for continuing the violation.

9. Authorisation of Secretary. — The Panchayat may authorise the Secretary to implement these rules and to take steps in accordance with these rules.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Clause (iii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make rules regarding the prohibition or regulation of use of any public spring, tank, well, water course or any private spring, tank, well, water course, with the consent of the owner set apart for specific purpose. Government have decided lo make rules for the purpose, Hence this Notification.

THE KERALA PANCHAYAT RAJ (BURIAL OF UNCLAIMED CORPSES AND CARCASSES) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Burial of Unclaimed Corpses and Carcasses) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 278/96. — In exercise of the powers conferred by Section 166 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Burial of Unclaimed Corpses and Carcasses) Rules, 1996.

(2) They shall come into force at once.

2. **Definitions. —** In these rules, unless the context otherwise requires, -

(1) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(ii) 'Panchayat' means a Village Panchayat constituted under sub-section (1) of Section 4 of the Act;

(iii) 'President' means the President of the Village Panchayat;

(iv) 'Secretary' means the Secretary of the Village Panchayat;

(v) 'Unclaimed corpse' means a human dead body found in any public place where the Kerala Anatomy Act, 1957 (Act 17 of 1957) is not in force or in a private place and not claimed by any one.

3. Intimation of the existence of an unclaimed corpses. — Any person who comesto know of the existence of an unclaimed corpse within a Village Panchayat area shall, without delay, intimate the same to the President or the Secretary.

4. Procedure to he followed by the president and the Secretary in the case of unclaimed Corpse. — (1) The President or the Secretary shall, on receipt of the information under Rule 3, contact the police officer empowered to take action under Section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and ascertain from him whether any action is to be taken under the said section.

(2) The police officer shall, if he is of opinion that no action is to be taken on the unclaimed corpse by the police, issue a certificate to that effect to the President or the Secretary, who shall, on receipt of the certificate take necessary action to bury the corpse.

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* Published in K.G. No.1135 dt.2nd August 2001, as No.48840/N2/1998/LSGD.

(3) In the case of unclaimed Corpses on which action under the Code of Criminal Procedure, 1973 is necessary, the police officer concerned shall, after completing such action, intimate the fact to the President or the Secretary who shall, after taking necessary action, bury the unclaimed corpse.

5. Burial of unclaimed corpse to be, as far as possible, according to the religious custom of the deceased. — The burial of an unclaimed corpse shall, if the religion of the deceased is identified, be as far as possible in accordance with his religious custom.

6. Burial of carcasses. — The President or the Secretary shall, immediately on the receipt of information of the existence of carcasses or remains of carcasses in the Panchayat area, take steps to bury it:

Provided that before burying dead animals or birds or its remains included in the category of wild life, the same shall be brought to the notice of the District Collector or the concerned Wild Life Protection Officer (Forest Department) and action shall be taken to bury it according to their direction.

7. Expenditure for burying corpses. — Reasonable expenditure for the burial of corpses as per these rules shall be met from the panchayat fund.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

As per sub-section (1) of Section 166 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), subject to the rules made under the Act, it shall be the duty of the Village Panchayat to meet the requirements of the Village Panchayat area in respect of the matters enumerated in the third Schedule/Item 20 of the Schedule deals with burial of unclaimed corpses and carcasses. Government have decided to make rules on the subject. This Notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (MANNER OF SERVICE OF NOTICES) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Manner of Service of Notices) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 285/96. — In exercise of the powers conferred under clause (xv) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the Government of Kerala hereby make the following rules, namely: -

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Manner of Service of Notices) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, -

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Serving of notice. — (1) In case the Act or rules or bye-laws made thereunder requires the Panchayat to serve any notice or document to a person, such service or sending shall, unless otherwise provided in the Act or rules or bye-laws made thereunder, be done, -

(a) by service or sending of notice or document to such person; or

(b) if such person cannot found out, by leaving such notice or document at his last known place of abode or business or by entrusting the same to some adult member or servant of his family and in the case of employees working in firms, factories, plants and workshops where admission to notice server is prohibited or where service of notice cannot be possible in the ordinary course, by entrusting the same to the head of the institution or to any authorised person; or

(c) if such person's address elsewhere is known to the Secretary, by sending the same to that address by registered post; or

(d) if none of the aforesaid means are available, by affixing the notice in some conspicuous part of his abode or work place.

(2) It shall not be necessary to name the owner or occupier in the notice, if such notice is regarding any building or land and in the case of joint owners and joint occupiers it shall be

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* Published in K.G. No.l 136 dt.2nd August 2001, as No.4822l/NI/1998/LSGD.

sufficient if the notice is served or sent to anyone of such person.

(3) Any bill, notice, order, form, summons, demand notice or other document served or sent under the Act or the rules made thereunder, if so provides that any fee or other sum shall be remitted or any work shall be executed, or anything shall be paid within such period fixed therein, then unless the Act or rules or bye-laws provides to the contrary, such period shall be calculated from the date of such service or sending.

(4) In the case of refusal of a notice, the date of refusal shall be deemed to be the date of service.

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.)

Clause (xv) of sub-section (2) of Seciion 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make rules regarding the form of notice, contents and the manner of service. Government have decided to make rules for the purpose. This Notification is intended to achieve the above purpose.

*THE KERALA PANCHAYAT RAJ (SLAUGHTER HOUSES AND MEAT STALLS) RULES, 1996

S.R.O. No. 289/96. — In exercise of the powers conferred by Sections, 229,230, 231 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with section 254 thereof the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Slaughter Houses and Meat Stalls) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Secretary' means secretary of a Village Panchayat;

(c) 'Examining Authority' means the Public Health Officer or the Sanitary Inspector of a Village Panchayat or in the absence of such officer, the Public Health Officer or the Sanitary Inspector of the neighbouring Municipality or Municipal Corporation or any other officer of the Health Services or Animal Husbandry Department authorised by the Government in this behalf;

(d) 'Form' means form appended to these rules;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Public to be informed of the prohibitation of slaughtering of animals except in a public or licenced slaughter house. — It shall be made known to the public by the Secretary by putting up notices and through loud speakers that no person shall slaughter within a Village Panchayat area except in a public or licenced slaughter house any cattle, horse, goat, sheep or pig for sale as food or to skin or cut up any carcass without or otherwise than in confirmity with a licence from the Village Panchayat or dry or permit to be dried any skin in such a manner as to cause nuisance.

4. Separate slaughter house for slaughter of pigs. — There shall be separate slaughter houses or places for slaughtering pigs. Such slaughter houses or places shall be at least 90 metres away from the ordinary slaughter houses or places and there shall be no communication between them.

5.The slaughter houses to be away from dwelling places and public road. — A slaughter house shall not be within 90 metres of any dwelling house or building frequented by the public and 30 metres from the public road. No door of any slaughter house shall open directly into any

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* Published in K.G. No.29 dt.16th July 2002, as No.48839/Nl/1988/LSGD.

street or lane or other public place and no such door shall be situated that the slaughtering of animals can be seen from any public place, public street or from any adjacent dwelling house or occupied place outside the slaughter house. A sign board marked 'public slaughter house' or 'licenced slaughter house' shall be exhibited in front of the building used for slaughtering.

6. Licencing of butchers. — No person shall be permitted for slaughtering animals in the slaughter houses except with a licence in Form I issued by the Secretary. The fee for grant of licence shall be Rs. 50.

7.Admission to slaughter house at the time of slaughtering to be restricted. — No person other than a licenced butcher shall be allowed to enter a slaughter house at the time of slaughtering except with a permit obtained from the Secretary or any other officer authorised by him in this behalf.

8. Stamping of animals. — No animal shall be admitted into a slaughter house for slaughter unless it is examined, certified and stamped by the Examining Authority that the animal is free from contagious diseases and other diseases. Such certificate shall contain the time and date of the examination of the animal and it shall be valid for 48 hours only. The person in charge of the slaughter house shall maintain register in Form II showing the particulars of animals thus examined and stamped.

9. Issuance of Certificate. — Before issuing certificate regarding the animals like bull, cow, he-buffalo and she-buffalo under rule 8, the examing authority shall make sure that such animal is—

(i) over ten years of age and unfit for work and breeding; or

(ii) permanently incapaciated for work or breeding due to injury or deformity.

10. Diseased, dead or dying animal to be destroyed. — If an animal having contagious diseases or other diseases or dead or dying brought to the slaughter house shall be seized by the Examining authority or the president or the person authorised by the Panchayat and destroyed and disposed of in the manner as he deems fit. Provided that animals which have met with accident or unfit to do work permanently may brought to the slaughter house and slaughter them after obtaining certificate under rule 8.

11. No meat to be sold in slaughter house. — No person shall be permitted to sell meat in the slaughter house or in its premises, but the uneatable animal part, horn, skin etc. may be sold within the yard to the purchasers to whom permits have been issued by the Secretary or other officer authorised by him to enter the yard for the purpose. Such sales shall be from 6 to 11 in the morning and 3 to 6 in the afternoon. The owner shall remove them if not sold within the said time, failing which they shall be removed by any officer authorised in this behalf by the Secretary and disposed of in the manner as he may deem fit. Any expenditure incurred on this account shall be given by the owner and if not given by the owner it shall be realised as if it were an arrear of Panchayat Tax.

12. Meat to be sent to the meat stalls. — After slaughtering the animals the meat shall be sent to the meat stalls as quick as possible.

13. Inspection of meat entrails and offals. — Meat entrails and offals shall be removed in covered or closed carts or baskets. The officer- in-charge of slaughter house shall inspect daily all such carts and baskets and see that they are clean and suitable. The bones shall be

collected in places set apart for the purpose.

14. The animals brought for slaughter should be clean. — The person who brings animals for slaughter shall keep the animals clean and shall see that they are kept in-charge of a keeper and secured by ropes to prevent them from injuring one another, and shall provide them with 12 hours rest and wholesome food and water prior to their being led to slaughter. There shall be waiting sheds near the slaughter house for different kinds of animals where they could be tethered and fed for 12 hours.

15. Number of animals to be admitted at a time not to exceed the maximum permitted. — The Secretary shall affix a notice fixing the maximum number of animals permitted to be in the slaughter chamber at a time. No person shall bring or admit any animal into the slaughter chamber so long as there is maximum number of animals permitted to be therein or so long as carcasses or blood or refuse from their intestine has not been removed.

16. Slaughtering to be done only at places specially allotted. — Animals shall be slaughtered only in places specially allotted for them in the slaughter house.

17. Carcasses of animals slaughtered to be inspected and stamped. — All carcasses shall, after slaughtering, be inspected carefully and stamped by the Examing Authority:

Provided that the Veterinary Surgeon of the Animal Husbandry Department of the Panchayat area shall have authority to conduct surprise check and surprise ante-mortum and post-mortum examination of animals.

18. Unfit meat not to be allowed to be removed. — Meat of any animal which after having been slaughtered is found to be diseased or considered to be unfit for human consumption, as a result of the check under rule 17 shall not be allowed to be removed by the owner such meat shall be seized, destroyed and disposed of.

19. Separate receptacles to be provided for putting refuse and allowing blood to flow. — No person shall put refuse from the slaughter house in or allow the blood therefrom to flow into the receptacle other than those provided in this behalf and shall uncover the receptacles for a longer time than is absolutely necessary to put the refuse into it and to flow the blood.

20. Inflation or blowing of carcasses prohibited. — The inflation or blowing of carcasses shall not be done in the slaughter houses.

21. Rates of fees. — No persons shall be allowed to bring any cattle, sheep, goat buffalo or pig in the slaughterhouse without payment of an admission fee to be fixed by the Panchayat. Such amount fixed shall not be above ten rupees per bullock, cow, he-buffalo or she-buffalo and above five rupees for a sheep, goat or pig.

22. Restriction regarding time of slaughter. — Slaughtering of animals and cutting of carcasses shall be done only between 6 a.m. to 11 a.m. and 3 p.m. to 6 p.m.

23. Slaughtering knife to be sharp and clean. — No person shall use a slaughtering knife unless it has been thoroughly cleaned and sharpened before slaughtering.

24. Supply of water in the slaughter house to be abundant. — Provision shall be made for an abundant supply of water to keep the slaughter house clean.

25. Spittoons to be provided in the slaughter house. — Necessary spittoons shall be provided in suitable places in the slaughter house and no person shall spit in the slaughter house

except in spittoons so provided.

26. Child less than ten years of age not to he admitted in the slaughter house. — No person shall take or admit any child below ten years of age into the slaughter house.

27. No dogs, crows etc. to be allowed in slaughter house. — No person shall be allowed to bring dogs in the slaughter house. Crows and other birds shall not be allowed to get into the slaughter house.

28. Eviction of undesirables from the slaughter house. — The Secretary or other officer authorised by him in this behalf may evict or caused to be evicted from the slaughter house premises, any person who is found drunk, begging, loitering or misconducting himself or who is a lunatic or who in and way infringes any of these rules or obstructs any officer in the performance of his official duties or disobeys his lawful orders and prevent such persons from re-entering the slaughter house premises.

29. Responsibility of persons causing damage to slaughter house. — Every person using the slaughter house shall be responsible for any damage caused in the slaughter house or article therein and the loss caused by the damage shall be recoverable from him as an arrear of Panchayat tax.

30. Procedure for opening and closing of slaughter house. — A Village Panchayat, before passing a resolution for opening a new public slaughter house or for closing an existing public slaughter house shall publish a notice in a daily newspaper in the chief language of the locality having wide circulation in the area and in the notice board of the Panchayat office and in the places specified by the Panchayat, and shall given publicity through pamphlet and loudspeakers and giving a period not being less than 30 days for filing objections and after considering the objections in detail received within the period and the Panchayat shall take decision on it.

31. Leasing out collection of rent and fee. — (1) The Panchayat may lease out the collection of rent and fee in public slaughter houses for a period not exceeding three years to the highest bidder subject to such conditions as may be laid down from time to time by the Panchayat.

(2) If for any reason whatsoever, Panchayat decides not to lease out the rent and fees, direct arrangements shall be made by the Panchayat for collecting the rent and fees.

32. Application for private slaughter houses.— (1) Application for licence to open a new slaughter house to continue to use an existing slaughter house shall be made in Form III to the Secretary of the Panchayat with an application of fifty rupees which may be remitted in the Panchayat Office.

(2) In the case of an existing slaughter house, the period for which it was in existence shall be specified. The applicant for a licence to open a new slaughter house shall deposit in the Panchayat office such amount as may be required by the Secretary to cover the expenses of publication of the notification in the local news paper. No application for opening a new slaughter house which is not accompanied by such deposit shall not be considered.

(3) On receipt of such deposit, the Panchayat shall publish a notification in one daily newspaper having wide circulation in the area and also in the notice board of the Panchayat, indicating the intention to give a licence for opening of a private slaughter house and giving a period of not more than 30 days for receipt of objections if any to such issue of licence. The objections if any received within the time specified shall also be taken into consideration before

deciding upon the issue of licence.

(4) The application presented to the Secretary shall also contain the following particulars, namely:—

(i) plan and sketch of the building to be constructed.

(ii) particulars of water supply available.

33. Licence to be issued on payment of fees. — When an order to grant a licence is passed by the Secretary under sub-section (2) of Section 230 of the Act, the applicant shall pay the amount of licence fee to the Secretary and on receipt of such fees, a licence in Form No. IV shall be issued by the Secretary.

34. Period of Licence. — Every licence granted under these rules shall expire at the end of the financial year in which the licence has been granted unless the period of licence is specified in the licence as expiring on a date earlier than the end of the financial year in which case the period of the licence shall expire accordingly.

35. Rate of licence fee. — Licence fee for an existing slaughter house shall be fixed at twenty per cent of the gross income of the slaughter house for the year immediately preceding subject to a minimum of five hundred rupees. In the case of new slaughter house the minimum licence fee shall be three hundred rupees.

36. Maintenance of account by the licensee. — For every amount received by licensee in the slaughter house, receipts shall be given and proper accounts and registers shall be maintained. Such receipt books and registers shall be open for inspection by the Secretary or other officer authorised by him. A statement showing receipts and charges relating to the slaughter house for the previous year (or for the period of full twelve months preceding the date of application of licence) shall accompany every application for renewal of licence.

37. Licensee to obey all lawful orders. — (1) The licensee of the slaughter house shall obey all orders issued to him in writing by the Panchayat or the Secretary of the Panchayat or other officer authorised by him.

(2) The licensee of a slaughter house shall hold himself responsible for any act of omission or commission or violation of the conditions of licence on the part of his agents, lessees or servants.

38. Location of meat stalls. — (1) All meat stalls vending meat from animals slaughtered in slaughter house in a Panchayat shall be a place within the limit of that Village Panchayat area approved by the Panchayat.

Note: — Suitable number of meat stalls shall be constructed in separate places within the market in such a way as to cause no annoyance to the public who frequent the market.

(2) The stall holder shall put up in front of his stall a sign board showing clear his name and stall number and specify the rate.

39. Power to inspect meat stalls. — The Examining Authority or President or Secretary or any officer authorised by the Village Panchayat or Government shall have power to inspect the meat kept for sale and to seize and destroy the meat which is seen as disease caused or unfit for consumption. The amount required for such destruction shall be levied as mentioned in Rule 11.

40. Conditions to be observed by meat stall holders. — (1) The meat offered for sale

shall be of animals slaughtered in a public slaughter house or in a slaughter house licenced under Section 230 of the Act, and shall be clean and devoid of materials unfit for consumption.

(2) The stamped portion of animals slaughtered under Rule 7 shall be preserved until all the meat is sold out. Otherwise the meat found in the stall shall be treated as that of unstamped animals or unwholesome meat and shall be liable for seizure and destruction by the Examining Authority or Secretary or such other officer as may be authorised by him in this behalf. The amount for such destruction shall be levied under Rule 11.

(3) Offal, skin, horn, entrails, etc. for which provision is made for sale in the slaughter house shall not be brought to the stall or kept in for sale.

(4) The unwholesome meat, skin, entrails etc. found in the stall shall be seized and destroyed by the Secretary or such other officer authorised by him in this behalf. The amount for such destruction shall be levied under Rule 11.

(5) The meat shall not be soaked in water nor water should be brought or kept in the stall.

(6) The meat shall be suspended by means of hooks in such a way that they do not come into contract with the roofs, walls or pillars of the stalls.

(7) No box of any kind except a cash box shall be found in the stall. A table covered with zinc plate may be used if granite or concrete slabs are not provided.

(8) The balance of meat taken for weighing shall be suspended and not placed on the table.

(9) The balance weights and hooks and other articles used in the meat stall shall always be kept clean. All unclean articles found shall be removed by the Secretary or such other officer as may be authorised by him in this behalf.

(10) Bones and refuses shall not be thrown out but shall be put in a receptacle kept for the purpose.

(11) When not in use, the blocks and table should be kept covered so that they may not be dirtied by animals and birds.

(12) Meat in the stall shall not be exhibited or shown causing disturbance to the public.

41. Penalty for breach of rules. — Any person violating Rules 14, 15, 16, 19,20,23,26 and 40 or abetting such violation shall on conviction before a Magistrate be liable to a fine which may extend to rupees one thousand.

FORM I

(See Rule 6)

..... Village Panchayat

Licence No .....

Subject to the provisions of the Kerala Panchayat Raj Act, 1994 and the Kerala Panchayat Raj (Slaughter houses and Meat Stalls) Rules, 1996..... (Name and address) is hereby permitted to slaughter any of the cattle, horses, goats, sheep or pigs for sale as food or to skin or to cut up any carcass in Survey No ..... of the ..... Village.....Taluk in consideration of fee of rupees fifty payable in advance.

2. The licence should be in possession of the licensee who shall produce it whenever required by the President or Secretary or the Examining Authority.

Place: Secretary,

Date: ..... Village Panchayat.

FORM II

(See Rule 8)

REGISTER OF ANIMALS EXAMINED AND STAMPED FOR SLAUGHTER AT THE SLAUGHTER HOUSE

Name of cattle examined and stamped for slaughter	Time and date of examination and stamping of the animal	Name and designation of the Officer who has examined and stamped the animal	The number and date of the certificate of examination	Time and date on which animal in brought to the slaughter house for slaughter	Time and date on which animal slaughtered	State whether the animal is slaughtered within the prescribed hours after its examination	If the animal is not slaughtered within the prescribed hours state reasons for the same and state whether the animal is returned.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM III

(See Rule 32)

APPLICATION FOR LICENCE/RENEWAL OF LICENCES OF SLAUGHTERHOUSE

..... Panchayat .....Taluk ..... District

1. Name and age of the applicant :
2. Occupation and address :
3. Name and address of the owner of the premises :
4. Whether to open a new slaughter house or to continue the existing one
5. Whether he is sole owner, lessee or tenant or whether jointly interested with any person or persons and if so with whom
6. Particulars of site:
   - (a) Survey No.
   - (b) Area
   - (c) Boundaries
   - (d) Description of the site
7. Description of the structure erected or to be erected on the site
   - (a) Nature, position and form of the stall or of any one of the rooms of the existing structure
   - (b) Extent of paved area and materials to be used in paving such area
   - (c) The details of availability of water, if water is not available, explain the method by which water is to be made available
   - (d) Explain the mode of construction/to be constructed of internal surface of the wall and what materials are to be used for such construction
   - (e) Details of drainage facilities
   - (f) Means of lighting and ventilation
   - (g) Means of access to bring cattle from the nearest cattle market or nearest area
   - (h) Number, position and dimentions of stable and pounds provided near the premises for relaxing and keeping of animals
   - (i) Number of animals for which accommodation will be provided in such stables and pounds, indicate, itemwise
     - (1) OX .....
     - (2) Buffalo .....
     - (3) Calf .....
     - (4) Sheep.....
8. The days of the week in which slaughter is to be done

9. Place where the existing slaughter house is held and the distance between the two :
10. If for the renewal of existing slaughter house, the period from which it is used as slaughter house :
(When applied for renewal licence, the licence received in the preceding year of the year renewal shall be enclosed along with the application) :
11. Date of application :
12. Signature and name of applicant :

FORM IV

(See Rule 33)

..... Village Panchayat Licence No ..... of .....

Subject to Section 230 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Panchayat Raj (Slaughter houses and Meat stalls) Rules, 1996 Shri ..... (Name and address) hereby permitted to conduct a slaughter house in Survey No ..... of ..... Village..... Taluk for the period from ..... to..... in consideration of a fee of Rs ..... payable in advance.

2. This licence shall be in the possession of the licensee who shall produce it whenever required by the President, Vice President, Member of Panchayat, or Secretary or officer authorised by a Magistrate.

3. The slaughter house shall always be open for inspection by the officers mentioned in para 2 above.

4. On breach of any of the rules relating to slaughter house and bye-laws, the Panchayat have vested with power for forfeiture of the licence and evict the licensee from there.

Place: Secretary,
Date : ..... Panchayat

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Section 229 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Grama Panchayat to provide places for use as public slaughter houses and section 230 empowers to grant licence for slaughtering animals within the Grama Panchayat area. Clause (xvi) of sub-section (2) of section 254 empowers the Government to make rules to prohibit and to regulate the slaughtering of animals, cutting-up or their skinning at places other than public slaughter houses, to grant licence for those who slaughter animals for sale to the public and to fix the fees for the same. The Government have decided to make rules accordingly.

The Notification is intended to achieve the above object.

THE KERALA PANCHAYAT RAJ (MANNER OF PUBLICATION OF NOTIFICATION OR NOTICE) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Manner of publication of Notification or Notice) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 851/96. — In exercise of the powers conferred by clause (xxxiii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely: -

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Manner of publication of Notification or Notice) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,-

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Publication of Notification. — Save as otherwise expressly provided in the Act or the rules made thereunder, every notification issued under the provisions of the Act shall be published in the Government Gazette:

Provided that the Government shall have power to direct that any such notification shall, instead of being published in the Gazette, be published in any other manner specified by them.

4. Publication of notices, orders etc.— Every order, notice, advertisement or other document required by the Act or rules made thereunder to be published by the Panchayat shall unless a different method has been prescribed by the Act and rules made thereunder, be written in or translated into the language of the locality and kept in the Panchayat Office and a copy of the same be affixed. -

(a) in the case of a Village Panchayat, in the office of the Village Panchayat, Panchayat notice boards and Village Offices in that Village Panchayat area;

(b) in the case of Block Panchayat, in the Block Panchayat office and in the Village Panchayat offices of that Block Panchayat area; and

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* Published in K.G. Ex. No.1138 dt.2nd August 2001, as. No.48220/N2/98/LSGD.

(c) in the case of District Panchayat, in the District Panchayat office, Block Panchayat offices and Village Panchayat offices of that District Panchayat area;

in a conspicuous place and the fact of such affixture and the availability of its original for verification be propagated in the local language through printed notice or loud-speaker and in the case of a District Panchayat, by publishing it in a newspaper which has vide circulation in that Panchayat area.

5. Notice regarding prohibition in or reservation of places. — The Secretary shall, whenever the Panchayat reserves any area for any purpose empowered by the Act or the rules made thereunder, or prohibits the carrying on of any act in any area, immediately affix in that place or its neighbourhood a notice in English and the important language of that locality, specifying therein the purpose for which such area has been reserved or the acts prohibited and shall propagate the fact of such affixture through loud-speaker or printed notice.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

As per clause (xxxiii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994). the Government may make rules on the manner of publishing of any Notification or notice for the information of the public. Government have decided to make rules for these purpose. Hence this Notification.

THE KERALA PANCHAYAT RAJ (PROCEDURE TO BE ADOPTED ON ILLEGAL RESOLUTIONS) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Procedure to be Adopted on Illegal Resolutions) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 352/96. — In exercise of the powers conferred under clause (iii) of Section 182 and Section 191 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Procedure to be adopted on Illegal Resolutions) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. -— In these rules, unless the context otherwise requires,-

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure on illegal resolutions. — Where the President or the Secretary considers that any resolution passed by the Panchayat has not been legally passed or passed in excess of the powers conferred by this Act or if carried out may endanger human life or health or the safety of public, the President or the Secretary shall intimate with a detailed report of the case to the officer authorised in this behalf by the Government within fifteen days from the date of passing of the illegal resolution. The said officer shall, after examining the report and resolution in detail and after conducting any other enquiry or evidence as he thinks fit, issue orders as early as possible and such orders shall be communicated to the Panchayat in writing.

4. Appeal. — An appeal on the orders issued under Rule 3 by the authorised officer may be filed within fifteen days from the date of receipt of such order before the Government and the decision of Government on such appeal shall be final.

5. Orders passed on appeal to be placed in the Panchayat meeting.— The President shall place all orders passed under Rules 3 and 4 after it is received, in the next meeting of the Panchayat.

6. **Power of Government to cancel or suspend the resolution of Panchayat.—** (1) The Government may, if they find that any resolution passed or any decision taken or any licence or permission granted or any action initiated by a Panchayat or any of its Committee, -

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* Published in K.G. Ex. No. 1485 dt.3rd October 2001, as No.48217/N2/I998/LSGD.

(a) has not been legally passed, taken, granted, or initiated; or

(b) is in excess of or misuse of powers conferred by this Act or any other law; or

(c) if carried out or permitted may endanger human life, health or public safety or is likely to lead affray; or

(d) if carried out or permitted may cause or likely to cause pecuniary loss or damage to the Panchayat or affect the financial interest of the Panchayat.

suo moto by order in writing amend, cancel or suspend such resolution, decision, licence, permission or action.

(2) The Government may, if they deem it necessary, before issuing an order under sub-rule (1), withhold or suspend any such resolution; decision, licence, permission or action for a period of not exceeding three months.

(3) The Government may, before taking a decision under sub-rule (1), call for the explanation, report or records regarding the circumstances leading to such a decision from the Panchayat and the Panchayat shall, if so called for, submit its explanation, report or record to the Government within one month and the Government shall after examining the explanation report or records if they consider it necessary, give the Panchayat an opportunity to reconsider its decision and to submit explanation, if any, directly.

(4) Decision of the Government taken under this rule shall be final.

By order of the Governor,

Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

As per the proviso to clause (iii) of Section 182 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the President or the Secretary shall refer the resolutions passed by a Panchayat illegally or in excess of powers to the officer authorised by the Government. Section 191, empowers the Government to cancel or suspend such resolutions Government have decided to make rules prescribing the procedure to be followed in such resolutions. Hence this Notification.

*THE KERALA PANCHAYAT RAJ (INVESTMENT AND WITHDRAWAL OF PANCHAYAT FUND) RULES, 1996

S. R. O. No, 368/96. — In exercise of the powers conferred by clause (xii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala, hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Investment and Withdrawal of Panchayat Fund) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules unless the context otherwise requires,—

(a) 'Panchayat' means a Village Panchayat, a Block Panchayat or a District Panchayat;

(b) 'President' means the President of a Village Panchayat or a Block Panchayat or a District Panchayat, as the case may be;

(c) 'Secretary' means the Secretary of a Village Panchayat or a Block Panchayat or a District Panchayat, as the case may be.

3. Lodging of Panchayat Fund. — All monies received by the Panchayat shall be lodged in the nearest Government Treasury, or in the Post Office Savings Bank, or in the Co-operative Bank approved by the Registrar of Co-operative Societies or in the Nationalised Bank.

4. Investment of surplus Fund of Panchayat. — A Panchayat may invest any surplus fund in the Kerala Government Securities, securities issued by the Government of India including National Savings Schemes and Treasury Deposit Accounts or in the Co-operative institutions which are not below 'B' in audit grading:

Provided that for premature withdrawal of such investments, the Panchayat shall obtain prior sanction of the officer authorised by the Government for this purpose and the officer shall before giving such sanction take into account the financial difficulties of the Panchayat concerned, at that time.

5. Withdrawal of money from the Panchayat fund. — (1). The Secretary shall obtain written order of the President for withdrawing money from the Panchayat fund.

(2) The Secretary shall put his signature in all cheques or documents to withdraw money from the Panchayat fund.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Clause (xii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make rules regarding the lodging, investment and the manner of withdrawal of Panchayat money. Government have decided to make rules for the above purpose. This Notification is

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* Published in Kerala Gazette (Extra) No. 1019 dt. 26-05-2001.

THE KERALA PANCHAYAT RAJ (COMPOUNDING OF OFFENCES) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Compounding of Offences) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 390/96. — In exercise of the powers conferred by Section 246 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (I) These rules may be called the Kerala Panchayat Raj (Compounding of Offences) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, -

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Section' means a section of the Act;

(c) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Compoundable offences and offences compoundable with the permission of the court. — The offences punishable under the sections specified in column (1) of the schedule to these rules may be compounded and the cases pending prosecution before court may be compounded in the manner set out in column (4) of the schedule.

4. Application for compounding of offences. — The application for compounding of offences shall be affixed with court fee stamp worth rupees five and be presented to the Secretary.

5. Fee for compounding of offences. — The applicant shall remit an amount of rupees ten as compounding fee along with the application under Rule 4 and the Secretary shall give a receipt for the same and credit the amount to the Panchayat fund under the head "VI. Miscellaneous Revenue - Other Receipts".

6. Dues to the Panchayat to be paid before compounding. — If the offence to be compounded is with regard to any dues to be remitted to the Panchayat by any party that offence shall be compounded only after the dues are remitted to the Panchayat.

7. Authority to order compounding. — The Secretary shall, with the permission of the President, pass orders on the applications for compounding and communicate the same to the applicant within thirty days of receipt of the application.

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* Published in K.G. Ex. No.1322 dt. 12th September 2001, as No.49904/N2/1998/LSGD.

Provided that the compounding of an offence shall be done only after removing the cause for the offence and making sufficient safeguards for not repeating the offence.

8. The Secretary may reject the application for compounding. — The Secretary may, with the permission of the President and after giving sufficient reason in writing, reject any application for compounding of an offence.

9. Fine to be collected before compounding of offence. — The Secretary shall, if he decides, with the permission of the president, to compound an offence on the application of a party, direct the party to pay the dues, if any, to the Panchayat and an amount not exceeding fifty per cent of the fine prescribed for such offence under the Act, within seven days and on remittance of such amounts as directed, communicate the order compounding of such offence to the party concerned.

10. Compounding of offences repeated. — An offence once compounded, shall not in the ordinary course be compounded again, if repeated:

Provided that the Secretary may, if satisfied that the offence will not be repeated further and the party who had committed the offence is willing to pay to the Panchayat the compounding fee, fine and other dues, if any, as directed by him in accordance with the provisions in the Act, with the permission of the President accept the application for compounding of offence as a special case and compound the offence after the compounding fee, fine and other dues having been remitted by the party.

11. Application for compounding of offence with the permission of court. — Application for compounding of offences shall be presented to the court concerned by the Secretary with the permission of the President after depositing the compounding fees under Rule 5 and the fee payable under Rule 9 by the party and after observing the formalities governing the presentation of application to the courts.

12. Order of the Court to be communicated to the Secretary of the Panchayat concerned. — The Court shall communicate the orders on the application under Rule 11 to the Secretary of the Panchayat concerned.

13. Compounding after obtaining permission of court. — (1) The Secretary, may, if the party produces the attested copy of Court order granting permission for compounding of offence, after crediting the amount deposited by the party in the revenue receipts of the Panchayat, compound the offences with the permission of the President.

(2) The Secretary shall, in all cases where the application for permission of compounding of offences is rejected by the court, refund the deposit to the party.

(3) The Secretary shall, in case an application for permission for compounding of offence is rejected, refund the amount deposited by the party.

14. Order of compounding to be communicated to the party. — The orders of the Secretary compounding offence shall be communicated to the party concerned forthwith.

15. Compounding of offence committed by persons prosecuted under Section 210 of the Act. — Notwithstanding anything contained in these rules, the Secretary may, without the permission of the court, compound offence committed by a defaulter who has been prosecuted under Section/R. 210 of the Act and Rule 27 of the Kerala Panchayat Raj (Tax Assessment, Levy and Appeal) Rules, 1996, with the permission of the President.

Provided that an order compounding an offence shall not be passed before collecting from the defaulter the amount due and an amount not exceeding fifty per cent of such amount as fine.

16. The Secretary to communicate compounding of offences to the Court. _ The Secretary shall communicate every order compounding offence to the court before which the prosecution regarding that offence is pending.

SCHEDULE

(See Rule 3)

Section, subsection and clause	Offence	Fine that can be imposed under the Act	Whether compoundable or compoundable with the permission of the Court
(1)	(2)	(3) Rs.	(4)
220 (a)	Unlawful construction of wall or erecting of fence etc., in or over public road	500	Compoundable with permission of the Court
220 (c)	Unlawful digging or depositing of things in or over public road	200	Compoundable with permission of the Court
220 (d)	Unlawful quarrying in any place near public road etc.	200	Compoundable with permission of the Court
220 (e)	Unlawful construction of structure over drain.	1000	Compoundable with permission of the Court.
220 (f)	Planting of trees without permission on any public road or other property vested in a Panchayat	100	Compoundable with permission of the Court
220 (g)	Cutting of trees growing in public road, other properties or poramboke vested with Panchayat or in the land, the use of which is regulated by the Panchayat under Section 220, without permission.	1000	Compoundable with permission of the Court
222 (1)	Unlawful opening of or keeping open a market	2000	Compoundable
222 (3)	Levying of fees in private evening markets	200	Compoundable
222 (4)	Levying of fees in unlicenced private markets	500	Compoundable
224	Sale of exposure for sale of any animal or article in private or public market without permission	200	Compoundable
225	Sale etc. of articles, after prohibition	100	Compoundable

(1)	(2)	(3)	(4)
	or without licence or contrary to regulations, in public roads or places		
227 (b)	Using any public place or roadside, within the prohibited distance, as a landing of halting place or as a cart stand.	200	Compoundable with permission of the Court
228 (1)	Opening a new private cart stand or continue to keep open a private stand, without licence or contrary to licence.	1000	Compoundable
230	Using any place as a slaughter house, without licence or contrary to licence	1000	Compoundable
231	Slaughtering of animals for sale as food or skinning or cutting up carcasses or drying skin so as to cause nuisance, without licence or contrary to licence	100 for every animal or carcass or skin	Compoundable
232	Using a place for a prescribed purpose, without licence or contrary to the licence	500	Compoundable
233	Unlawful running of factories, workshop etc.	3000	Compoundable
235 (2)	Unlawfull destruction etc. of building numbers	50	Compoundable
235 (3)	Failure to replace building number when required to do so	100	Compoundable
240	Failure to comply with any notice requisition or order under Section 240 (3)	500	Compoundable
256	Breach of any bye-law	500	Compoundable
261	Obstructing of Panchayat etc.	500	Compoundable
262	Removal and obliteration of notice	200	Compoundable
(1)	(2)	(3)	(4)
263	Failure to furnish information or furnishing false information	500	Compoundable
274	Preventing a person from using or enjoying of public roads, markets, wells, tanks etc.	500	Compoundable

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.) Section 246 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) provides that the Secretary may subject to such restrictions and control as may be prescribed, compound any offence against the ACL, or any rule or bye-law made thereunder which may by rules be declared compoundable, with the approval of the President. Government have decided to make rules in this regard. This Notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (DUTIES TO BE EXERCISED BY THE VILLAGE OFFICERS) RULES, 1996*

[Translation in English of the Kerala Panchayat Raj (Duties to be exercised by the Village Officers) Rules, 1996, published under the authority of the Governor.]

S.R.O. No. 484/96. — In exercise of the powers conferred by Section 242 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: -

Rules

1 Short title and commencement— (1) These rules may be called the Kerala Panchayat Raj (Duties to be exercised by the Village Officers) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, -

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means a Village Panchayat, Block Panchayat or District Panchayat;

(c) 'President' means the President of a Village Panchayat, Block Panchayat or the District Panchayat, as the case may be;

(d) 'Secretary' means the Secretary of a Village Panchayat, Block Panchayat or District Panchayat, as the case may be;

(e) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Power to call for information from Village Officers. — (1) The Secretary may, with the approval of the panchayat, require in writing, the Village Officer of any revenue village in the Panchayat area, to furnish within a specified period,-

(i) the information regarding any property comprised the Village or any part thereof, its survey number, sub-division number, extent and whether it is dry or wet and the owner, holder or occupier, available as per village records; and

(ii) any other particulars required for the administration of the Panchayat and available from the registers and accounts maintained in the village.

(2) The Village Officer shall furnish the information required by the Secretary under sub-

* Published in K.G. Ex. No.1137 dt.2nd August 2001, as No, 7885/N1/1999/LSGD.

rule (1) within the specified period and if the information cannot be furnished within a specified time limit, the Secretary shall once again extend the time limit and if the Village Officer is not furnishing the information even within the extended time, the Secretary shall inform the fact in writing to the Taluk Tahsildar concerned who shall take necessary further action in this matter.

4. Power of District Panchayat to call for information from Village Officer and to instruct him to perform certain duties. — The Village Officers shall furnish to the District Panchayat through the Tahsildar concerned, the details and accounts required by the Secretary, regarding the schemes to be executed by the District Panchayat as per item 17 of the Schedule V of the Act and shall perform the functions delegated to him for the implementation of such schemes.

5. Village Officer to report cases of encroachment. — The Village Officer shall report to the Village Panchayat Secretary concerned full details regarding the encroachment, if any, made by any person, on the land owned by the Panchayat or any other land, property or article vested in the Panchayat and shall render all necessary assistance to evict the encroachers, if so required by the Panchayat.

6. Village Officer to attend Panchayat meetings, if required. — (1) The Village Officer of the revenue village of a Panchayat area shall, if so required by the President in writing, attend the meeting of the Panchayat.

(2) The requisition mentioned in sub-rule (1) shall be made through the Taluk Tahsildar concerned.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Clause (xxx) of sub-section (2) of Section 254 empowers the Government to make rules regarding the duties to be performed by the Village Officers with regard to the Panchayat and its Secretaries. Government have decided to make rules accordingly. This Notification is intended to achieve the above purpose.

*THE KERALA PANCHAYAT RAJ (ISSUANCE OF LICENCE AND CONTROL OF PUBLIC AND PRIVATE MARKETS) RULES, 1996

S. R. O. No. 570/96. — In exercise of the powers conferred by Sections 221, 222 and 223 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with clauses (xix) and (xli) of sub-section (2) of Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. **Short title and commencement. —** (1) These rules may be called the Kerala Panchayat Raj (Issuance of Licence and Control of Public and Private Markets) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Form' means a form appended to these rules;

(c) 'Panchayat' means a Village Panchayat constituted under clause (a) of sub-section (1) of section 4; .

(d) 'President' means the President of a Village Panchayat;

(c) 'Secretary' means the Secretary, of a Village Panchayat;

(f) 'Section' means a section of the Act;

(g) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Providing public markets. — (1) A Panchayat shall, before passing any resolution to provide places for using as a new public market or to close any existing public market or part thereof, affix a notice in the Notice Board of the Panchayat and in any conspicuous place in each constituency of the Panchayat, requiring the public to raise objections in this regard, if any, in writing, within thirty days and publish the fact of such affixture in a newspaper published in the chief language of the region, having wide circulation in the Panchayat area and shall consider the objections, if any, received within the period specified.

(2) The Panchayat shall, before providing a public market, obtain the opinion of the District Medical Officer regarding the public health problems which may arise by the opening of such a market at that place.

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* Published in Kerala Gazette (Extra) No. 1407 as No. 9654/N2/99/LSGD dt. 27-08-2001.

(3) The Panchayat shall, before providing a live-stock market, inform the District Veterinary Officer of the location proposed to be so provided, area of the site, description of species of cattle brought for sale, the facilities proposed to be provided for cattle and obtain his opinion in that regard.

4. Setting apart of separate stalls for particular commodities. — It shall be competent to the Panchayat in the case of public markets and the licensee in the case of a private market to set apart separate stalls or open spaces or both, for each of the items such as vegetable, poultry, cattle, fish, meat etc.

5. Leasing out of any portion of public market. — (1) The Panchayat may, subject to the subsisting Kuthakapattam or other rights, parcel out any portion of a public market and lease such portion or portions and stalls, by auction or otherwise, subject to the following conditions, namely: —

(a) the lease of any portion, or site shall, ordinarily be made by auction, to the highest bidder;

(b) the lease shall be made for a period not exceeding one year at a time;

(c) the Secretary shall issue a permit, signed by him, in Form No. 1 and the lessee shall obey the conditions thereof.

(2) No article or thing, not included in the permit, shall be sold or exposed for sale in the site or stall taken on lease or any space appurtenant thereto.

(3) No stall or space shall be assigned, sublet or otherwise parted with by the occupier without the written permission of the President.

(4) The occupier of a stall or space shall keep the same clean and tidy and shall not deposit any garbage or refuse or waste material so as to cause inconvenience or annoyance to the public or other dealers.

6. Power to cancel permit.-— The Secretary may, with the approval of the Panchayat, cancel a permit if the lessee violates the conditions of the permit, these rules or bye-laws of the Panchayat.

7. Setting apart of space for casual vendors and public.— The space excluding that allotted under Rule 5 and that, if any, set apart for cart stand, shall be released for use by casual vendors and public.

8. Levy of fees in public markets.— The maximum fees that may be collected from public markets under clauses (a) to (d) of sub-section (2) of Section 221 shall not exceed the rates mentioned in the schedule below:

SCHEDULE

Details of items	Maximum amount that may be collected per day
(1)	(2)
1. For using market or for the right to expose goods for sale:	
(a) For using a space of 1 sq. metre or less	Rs. 2

(1)		(2)
	(b) For using a space of more than 1 sq. metre and upto 5 sq. metres	Rs. 8
	(c) For using a space of more than 5 sq,metres and upto 10 sq. metres	Rs. 15
	(d) For using a space of more than 10 sq. metres and upto 20 Sq. metres	Rs. 25
	(e) For using each sq. metre exceeding 20 sq. metres	Re. 1 each
2.	For using shops, stalls, pens or stands (excluding the space allotted on lease) on market days:	
	(a) Having a plinth area upto 10 sq. metres	Rs. 10
	(b) Having a plinth area of above 10 sq. metres and upto 20 sq. metres	Rs. 15
	(c) Having a plinth area of above 20 sq. metres and upto 30 sq. metres	Rs. 30
	(d) For each sq. metre above 30 sq. metres	Re. 1 each
3.	Fees on goods brought to market by vehicle or animals or otherwise, for sale:	
	(a) Hand load	
	(b) Head load	Rs. 1
	(c) Cycle load	Rs. 3
	(d) Cartload	Rs. 15
	(e) Motor vehicle load	Rs. 40
	(f) Load of goods brought in country crafts of 1 metre or less of depth	Rs. 15
	(g) Load of goods brought in country crafts of more than I metre of depth	Rs. 20
	(h) Cattle load, horeseload or ass load	Rs. 5
4.	Fees on each animals brought for sale into or sold in the market:	
	(a) Sheep, goat	Rs. 2
	(b) Ass, pig	Rs. 3
	(c) Cow, bull, he-buffaloes and she-buffaloes	Rs. 5
	(d) Poultry (grown up fowls)	Re. 1

(No separate fee shall be charged on calves that are brought along with their mother cows or she-buff aloes)

9. **Licensing of private markets. —** (1) (i) An application for licence to continue an existing private market or to open a new private market shall be made to the Panchayat in Form No. II affixed with a Court fee stamp of Rupees Five.

(ii) Every such application shall be accompanied by a sketch showing the number and location of shops and the location of stalls, open spaces, the approaches, entrances, exits, passages, drains, footpaths, latrines and urinals.

(iii) A statement showing the total income received by the owner from the market for the previous year or for a continuous period of total twelve months preceding the date of application shall be submitted along with the application for licence to continue an existing private market.

(iv) The applicant shall, along with the application for opening a new market, deposit the amount fixed by the Panchayat for meeting the expenses for publication of the notice as per clause (v) and applications submitted without such deposit shall be rejected.

(v) A Panchayat shall, before passing a resolution to issue a licence to open a new private market, affix a notice in the notice board of the Panchayat and in any conspicuous space in each constituency of the Panchayat requiring the public to raise objections in this regard, if any, in writing within thirty days and publish the fact of such affixture in a newspaper published in the chief language of the region having wide circulation in the Panchayat area and shall consider objections, if any, received within the period specified.

(vi) The Panchayat shall, before issuing a licence to open a new private market, observe the procedures specified in sub-rule (2) of Rule 3 and in the case of a live-stock market, observe the procedures specified in sub-rule (3) of Rule 3 also.

(2) The applicant shall, in case the Panchayat decides to issue licence to open a new private market, remit the licence fee fixed by the Panchayat under sub-section (4) of Section 222 and the Secretary shall, after remittance of such fee, issue licence, signed by him, in Form No. III.

(3) The applicant shall, in case the Panchayat does not refuse to renew the licence to continue an existing private market under clause (b) of sub-section (2) of Section 222, remit the licence fee fixed by the Panchayat under sub-section (4) of the said section and the Secretary shall, after remittance of such fee, issue licence, signed by him in Form No. III.

(4) Licence for evening market shall be given in Form No. Ill free of charges. No market fee shall be levied in the evening markets so sanctioned and Rules 11 and 18 of these rules shall be applicable to them.

(5) Each licence granted under this rule shall expire at the end of the financial year in respect of which licence has been granted.

10. Fees to be collected by the licensees of private markets. — The licensee of a private market shall have the right to collect fees at the rates not exceeding that mentioned in the Schedule to Rule 8.

11. Power of Panchayats to control markets. — (1) The Panchayat shall have the power to expel from the market any person or his agent engaging in any activity contrary to the prevailing conditions and provisions relating to a market and also to prevent strictly such person or his agent from continuing to occupy the stalls or engaging in trade activities.

(2) The Panchayat may, by notice, require the owner, occupier or licensee of private market to provide immediately the primary facilities such as passages, drainages, footpaths, latrines and urinals shown in the sketch submitted along with the application for licence, if not already provided.

(3) The Panchayat shall have the power to suspend the existing licence or refuse to grant licence, if the facilities mentioned above are not provided within the period specified in the notice

until such time so provided.

(4) No person shall open or continue to keep open any such market after the licence is so suspended or refused.

12. Maintenance and audit of accounts of private markets. — (1) The owner, occupiers or lease holders of a private market shall issue tickets in Form No. IV for daily collections and receipts in Form No. V for periodical collections, made in such markets.

(2) There shall be separate ticket books for each rate of fees.

(3) The owners, occupiers or leaseholders of private markets shall keep complete accounts regarding the receipts from the markets in Form No. VI and regarding the expenditure incurred for the maintenance of markets in Form No. VII, in separate registers in writing and shall produce them whenever required by the Panchayat or the person authorised by the Panchayat. The Secretary or the officer authorised by him shall inspect such registers and the counterfoils of tickets and receipt books under sub-rule (1) at least once in every month and record his opinion thereon. If the accounts are found to be faultless, a certificate to that effect shall " be recorded in the registers.

13. Licensing of brokers, commission agents, etc.— (1) No person shall practise as broker, commission agent, weighman or appraiser within the premises of a market without licence. The Panchayat, in the ease of public markets and the licensee in the case of private market, may levy an amount not exceeding rupees twenty five per annum as fee for such licence.

(2) The Panchayat shall, from time to time, fix the charges to be levied by brokers, commission agents, weighman and appraiser from the public and shall publish the fees so fixed for the information of the public.

14. Providing facilities for grading of commodities. — A Panchayat, in the case of public markets and a licensee, in the case of private markets, may provide, inside the marketer at any convenient place near the market, facilities for grading of commodities brought for sale and for marking of commodities so graded and may also levy fee at the rates fixed by the Panchayat for that purpose.

15. Providing facilities for storing. — The Panchayat, in the case of public markets and the licensee, in the case of private markets shall, provide facilities for storing of commodities left unsold in a market day till the next market day and may levy fees for providing such facilities at the rates fixed by the Panchayat.

16. Market days to be notified. — The Panchayat shall, publish the market days in the Panchayat notice board and in the place where the market is situated and the market may function on such days from sun rise to sun set.

17. Market rates to be notified in the Notice Board. — The Panchayat, in the case of public markets and the licensee, in the case of private markets, shall publish in the notice board exhibited concerned, the rates of fees fixed under Rule 8 and Rule 10, respectively.

18. Rules to be observed in markets. — (1) Any person entering a market shall abide by all orders and instructions regarding the market issued by the President or the officer authorised by him in this behalf.

(2) No seller shall make sound and hue or use such instrument within the market, so as to attract the purchasers.

(3) No weights and measures equipments, not recognised by Government and not stamped in the specified time, shall be used or kept in the market.

(4) No article, the storing or sale of which are prohibited without a licence from the Panchayat or from the Central or State Governments, shall be brought into the market for sale without such licence.

(5) No putrid or unwholesome articles of food shall be stored, exposed, or sold in the market.

(6) Begging of all kinds shall be disallowed within the precincts of the market.

(7) No person shall bring dog or knowingly permit dog to be brought inside the market.

(8) No person shall use any offensive obscene or provocative language in the market.

(9) No place except that set apart in the market for cycles carriage or similar vehicles or animals carrying load shall be used as resting place for the same.

(10) The Panchayat, in the case of public markets and the licensee, in the case of private markets shall provide for the supply of drinking water, latrines, urinals and drainages and keep the floors clean.

(11) Except for the watcher and the caretaker, no facility shall be provided for human habitation and no stall shall be used for human habitation in the market.

(12) The stalls in the market shall be kept open for inspection by the President, Secretary or any officer authorised by him or any officer not below the rank of an Inspector from the Panchayat Department or any officer not below the rank of a Health Assistant from the Health Services Department.

19. Selling by auction of right to collect fees from casual sellers. — The Panchayat shall have the power to sell to the highest bidder by public auction, the right to collect fees from the casual sellers carrying trade in the open space and from vehicles using the cart stands in the public markets for a period not exceeding one year. The bidder shall not collect fees in excess of the amount fixed by Panchayat under Rule 8. The bidder shall not collect fees from the lessees of sheds and stalls leased out under Rule 5.

20. Issuance of receipt for collections. — The lessee having right to collect the fees and rents prevailing in the public markets and the officer authorised for such collection, shall issue receipts having seal of the Panchayat and showing the details such as the item, amount and date of collection, to the remitter, in all cases and shall keep the duplicate of such receipts as counterfoil.

21. Remittance of lease amount. — The lease amount or other fees due to Panchayat may be remitted in full in advance or in such instalments as may be allowed by the Panchayat in each case. In addition to the advance the lessee shall, before entering into agreement, deposit as security amount, an amount equal to one instalment of the lease amount as per instalment condition. The lease amount shall, if not remitted, be recovered as arrears of tax due to Panchayat and in such case the lessee shall be evicted. The lessee shall be liable for any loss caused to the

Panchayat due to such eviction and subsequent re-auction.

22. **Direct collection of fees.** — The Panchayat shall, if decides not to sell by auction the right to collect fees from the cart stands and from the casual sellers of public markets, make arrangements to collect such fees directly.

23. **Public markets situated within the area of two or more Panchayats. —** (1) The responsibility for the conduct and maintenance of a public market situated within the local limits of two or more Panchayats shall vest with the Panchayat having the major portion of that market within it.

(2) The Panchayat, vested with the responsibility under sub-rule (1), shall meet all expenses for the maintenance and conduct of the market concerned. .

(3) The Panchayat having the responsibility for the conduct and maintenance of a public market situated within the local limits of two or more Panchayats shall, in case of conducting auction to lease out any portion of or stall in such market, publish notice regarding the same in the area of all Panchayats sharing the income from that market.

(4) The Panchayat vested with the conduct and maintenance of a market under sub-rule (1) shall, after giving notice to the Presidents of other Panchayats in which area such market is situated take procedure regarding the auction.

(5) The income obtained by conducting the auction shall, after deducting the expenditure for meeting the responsibility under sub-rule (2), be apportioned among the Panchayats concerned in proportion to the Panchayat area lying within that market.

(6) The President of the Panchayat conducting the auction shall, within seven days of receipt of each instalment of auction amount, pay the share under sub-rule (5) to the Panchayats concerned. If the collection from the market are made direct, without conducting any auction, the share due to the Panchayats concerned shall be paid within the first four days of the week following the week during which such collections are made.

24. Private markets situated within the limits of two or more Panchayats. — (1) The authority to issue licence to a private market situated within the local limits of two or more Panchayats shall rest with the Panchayat having the major portion of that market within it.

(2) The income obtained by way of licence fees from the private markets situated within the local area of two or more Panchayats shall be apportioned among the Panchayats concerned in proportion to the Panchayat area lying within that market. The Panchayat issuing the licence shall, within 7 days from the date of receipt of the amount of licence fees, give such share to the Panchayat concerned.

25. Distance between markets. — Neither a new public market shall be opened not licence shall be issued for a private market within a distance of three kilometres from an existing public or private market:

Provided that in the case of an evening market, such distance limit shall be one and a half kilometres from an existing evening market.

26. Penalty for breach of rules. — Any person violating or abetting violation of sub-rules (2), (3) and (4) of Rule 5, sub-rule (4) of Rule 11 and Rule 18 shall, on conviction before a

Magistrate, be liable for a penalty not exceeding one hundred rupees and in case of continuing such offence, be liable for a penalty not exceeding fifty rupees for each such day.

FORM No I

[See clause (c) of sub-rule (1) of Rule 5]

PERMIT

..... Panchayat Permit No ..... 20 .....

Permission is hereby granted to Shri .....(Name and address) to sell (Name of article) in *stall No..... /open space in the ..... market in..... Panchayat in Village in. Taluk from (.....date) to (..... date) on remitting the lease amount in *whole/of Rs....being the first instalment of..... equal instalments, subject to the provisions of Section 221 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and Kerala Panchayat Raj (Issuance of Licence and Control of Public and private markets) Rules, 1996.

(2) The lessee shall keep the permit in his custody and shall produce it before the President or the Secretary or any officer authorised by him, or the Magistrate having jurisdiction over the area or any officer not below the rank of an inspector of the Panchayat Department or any officer not below the rank of a Health Assistant of the Health Services Department, when acquired for inspection.

(3) The lessee or bidder of the stalls, stands and open spaces of the market shall, in accordance with the written directions given by the President or Secretary or an officer authorised by him erect such temporary shed ensuring cleanliness, safety and air flow, in the spaces allotted to them.

(4) The bidder shall provide necessary arrangements for the inspection of stalls and open spaces by the officers mentioned in paragraph (2).

(5) The Permits shall be cancelled permanently, if the Kerala Panchayat Raj (Issuance of licence and control of public and private markets) Rules, 1996 or the bye-laws of Panchayat are violated.

Place : Secretary,

Date : ..... Panchayat.

FORM No. II

[See Clause (i) of sub-rule (1) of Rule 9]

FORM OF APPLICATION FOR LICENCE TO *OPEN A PRIVATE MARKET/ CONTINUE EXISTING PRIVATE MARKET

1. Name and address of the applicant :
2. Occupation of the applicant :
3 Name of the place; Boundaries survey number, and extent of the land on which *the new market or continuance of the existing market is proposed :

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* Strike off whichever is not applicable.

4. The nature and extent of right of the applicant over the place where the market is proposed to be conducted :
5. Which all days of the week the market is proposed to be conducted :
6. The name of the place where the nearest existing market is situated and the days on which the same is working :
7. The distance between the nearest existing private market or public market and the proposed market :
8. If the application is for licence to continue an existing market, the period for which the place is being used as a market ;
9. If the application is for licence to continue an existing market, the total income received from the market in the preceding year :
10. Name of the articles permitted to be sold in the proposed market :

DECLARATION

I do hereby solemnly declare that the particulars given above are true to the best of my knowledge and belief.

Place: Signature of the applicant.

Date:

To

The Secretary..... Village Panchayat.

FORM No. Ill

[See sub-rules (2), (3) & (4) of Rule 9]

LICENCE FOR PRIVATE MARKET

Permission is hereby granted to Shri .....(name and address) to conduct a *private market/evening market from .....to.....(date) in ..... hectare of land in survey No .....in .....Village..... in..... Panchayat in.....Taluk on remittance of Rs ....Ps.....as licence fees in advance/free of charge.

2. The licensee shall keep the licence in his custody and shall produce it before the President or Secretary or any officer authorised by him or the Magistrate having jurisdiction over the area or any officer not below the rank of a Panchayat Inspector of the Panchayat Department or any officer not below the rank of a Health Assistant of the Health Services Department, when required for inspection,

3. The licensee shall provide necessary arrangements for the inspection of the shops, stalls, sheds, stands and open spaces of the market, by the officers mentioned in paragraph 2.

4. The permit shall be confiscated and cancelled if the provisions of the Kerala Panchayat Raj (Issuance of licence and control of public and private markets) Rules, 1996 or the bye-laws of the Panchayat are violated.

Place: Secretary,

Date : ..... Village Panchayat.

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* Strike off whichever is not applicable.

FORM No. IV

[See sub-rule (1) of Rule 12]

Ticket
(Counterfoil)
SI. No.....Ticket
……Market
per day .....
(Rate of fees leviable)

Ticket
(Outerfoil)
SI. No..... Ticket
……..Market
per day.....
(Rate of fees leviable)

(Panchayat seal)

FORM No. V

[See sub-rule (1) of Rule 12]

RECEIPT
(Counterfoil)
……Market
Received Rs..... Ps .....
as rent of room No./stall No.....
……upto.....
Dated……..

RECEIPT
(Outerfoil)
……Market
Received Rs.....Ps.....
being the rent of room No./stall
No…… ..... in
The……..... market
for a period of .....
Dated.....

Clerk

Clerk

(Seal of Panchayat)

FORM No. VI

[See sub-rule (3) of Rule 12]

COLLECTION REGISTER

Date	Value	Co lection by tickets						
		Stock		Issued			Balance	
		S erial number from ------ to....	Number	Serial number from - ----- to....	Number	Amounts Collected	Serial number from - ----- to....	N umber
(1)	(2)	3)	(4)	(5)	(6)	(7)	8)	(9)

* Strike off whichever is not applicable.

FORM No. VI (Contd.)

Other receipts					
Rent		Miscellaneous			
Receipt Number	Amount	Receipt Number	Amount	Total Collection per day	Remarks of the Inspector
(10)	(11)	(12)	(13)	(14)	(15)

FORM No. VII

[See sub-rule (3) of Rule 12]

DISBURSEMENT REGISTER

Date	Particulars of Expenditure	Amount	Remarks of Inspector
(1)	(2)	(3)	(4)

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.) Sections 221,222 and 223 of the Kerala Panchayat Raj Act, J994 (13 of 1994) empowers the Government to make rules for the control, issuance of licence, fee to be charged, etc. regarding public and private markets. Clause (xix) and (xli) of sub-section (2) of Section 254 empowers the Government to make rules on the powers that can be exercised by the Panchayats its Secretary or an officer and the maintenance of accounts by owners, occupiers and leaseholders of private markets and the auditing of such accounts. Government have decided to make rules for the above purpose. This Notification is intended to achieve the above purpose.

*THE KERALA PANCHAYAT RAJ (REMOVAL OF ENCROACHMENT AND IMPOSITION AND RECOVERY OF PENALTY FOR UNAUTHORISED OCCUPATION) RULES, 1996

S. R. O. No. 633/96. — In exercise of the powers conferred by clause (xxix) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement— (1) These rules may be called the Kerala Panchayat Raj (Removal of encroachment and imposition and recovery of penalty for unauthorised occupation) Rules, 1996.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means a Village Panchayat constituted under clause (a) of sub-section (1) of Section 4 of the Act;

(c) 'President' means the President of a Village Panchayat;

(d) 'Secretary' means the Secretary of a Village Panchayat;

(e) 'Section' means a section of the Act;

(f) the words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Prohibition of and penalty for unauthorised occupation of lands vested in or belonging to Panchayat. — (1) No person shall occupy and land belonging to or vested in a Panchayat without the permission of the Panchayat or not in accordance with the Act or the rules made thereunder or except in accordance with the terms and conditions of the licence issued by the Panchayat.

(2) Whoever occupies any land belonging to or vested in a Panchayat contrary to the provisions of sub-rule (1) shall be liable to be evicted from such unauthorised occupation and shall, in addition to the expenses thereof, be liable to pay to the Panchayat a fine not exceeding five hundred rupees as may be imposed by the Panchayat.

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* Published in Kerala Gazette (Extra) No. 45, as No. 20488/N1/2000/LSGD dt. 13-11-2001.

(3) Any person unauthorisedly occupying any land belonging to or vested in a Panchayat and liable to pay a fine under sub-rule (2) shall, in addition, be liable to pay such sum as may be fixed by the Panchayat as compensation for the loss or damage caused to the Panchayat by such unauthorised Occupation.

(4) Before making a demand under sub-rule (2) or sub-rule (3) notice shall be issued to the unauthorised occupant and in such notice, it shall be required to file objection, if any, against the recovery of the amount under sub-rule (2) or sub-rule (3) within fifteen days after the receipt of the notice.

(5) After detailed examination of the objection to the notice mentioned under sub-rule (4) by the Panchayat, if it appears that the objection is not satisfactory, the Secretary shall reject the objections and issue a demand notice to the unauthorised occupant with direction to remit the amount to the Panchayat within fifteen days on receipt of intimation of the rejection.

(6) If any amount payable under sub-rule (2) or sub-rule (3) is refused or defaulted to pay within the period specified in the notice under sub-rule (5) such amount may be recovered from the defaulter in the same manner as if it was a tax due to the Panchayat.

4. Eviction of unauthorised occupants. — The Panchayat shall have absolute authority to evict unauthorised occupants from the land belonging to or vested with the Panchayat, besides the procedure provided under sub-rules (2) to (6) of Rule 3. On such eviction if any building, crops or other products, raised on the land unauthorisedly occupied by the occupant that shall be forfeited to the Panchayat and the unauthorised occupant shall have no right over them.

5. Procedure for eviction. — (1) The Panchayat shall serve fifteen days' notice to the occupant before evicting that person from the land belonging to or vested with the Panchayat. A brief description of land unauthorisedly occupied and the reason for eviction shall be specially mentioned in that notice,

(2) The Panchayat shall examine the objection if any, received, to the notice mentioned under sub-rule (1). If it appears to the Panchayat that the objection is not satisfactory or the matters stated therein are unsustainable in law, a second notice shall be served to the occupant and he shall be required therein to vacate the unauthorisedly occupied land within one week after the receipt of the notice.

(3) If the unauthorised occupant is not vacating even after the receipt of notice mentioned under sub-rule (2) the Panchayat may evict such person and if assistance of police is required for this purpose the assistance of police may be sought under sub-section (1) of Section 352 of the Act and the police shall provide assistance.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Clause (xxix) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make Rules regarding the imposition and recovery of penalty for unauthorised occupation of any land or public pathway belonging to or vested in any Grama Panchayat and the recovery of compensation for any loss caused due to such occupation. The Government have decided to make such rules. This notification is intended to achieve the above object.

*THE KERALA PANCHAYAT RAJ (CONTROL OVER OFFICERS) RULES, 1997

S. R. O. No. 534/97. — In exercise of the powers conferred by sub-section (5) of Section 179, sub-sections (8) and (9) of Section 180 and sub-sections (1) and (3) of Section 181 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with sub-section (1) of Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Control over Officers) Rules, 1997.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'appointing authority' means an Officer or authority authorised by the Government to appoint an employee to the Government Service or Panchayat Service.

(c) 'Municipality' means a Municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994));

(d) 'officer' includes the Secretary appointed under sub-section (l)of Section 179, officers and employees appointed to Panchayat Service as per rules made under sub-section (4) of Section 180 or rules made under the Kerala Panchayat Raj Act, 1960 (32 of 1960), and any Government Officer or employee whose service has been lent to the Panchayat under sub section (2) of Section 176 or sub-section (1) of Section 181;

(e) 'section' means a section of the Act;

(f) The words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Lending of service of Government Officers and employees to the Panchayat. — (1) The Government may, by a special or general order, lend the service of any Government officer or employee including temporary, full time, part time or contingent officer or employee to the Panchayat under sub-section (2) of Section 176 or sub-section (1) of Section 181.

(2) The Government officers and employees lent to Panchayat under sub-rule (1) shall be considered as employees of Government for all matters regarding service and their service and wages conditions shall be continued as if they were continued in the Government service and their salary, allowances and other financial benefits shall be given from the Panchayat fund or contribution for the same shall be given to the Government by the Panchayat:

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* Published as S.R.O. No.534/97.

Provided that the Government may continue to give such salary, allowances and other financial benefits to them from the consolidated fund of the Government till the period as the Government may deem fit.

(3) The Government officers and employees whose service has been lent to Panchayat shall be under the full control and supervision of the Panchayat and they shall exercise those powers and perform duties as may be determined by the Panchayat for matters coming within the jurisdiction of the Panchayat subject to the general restrictions as may be fixed by the Government.

(4) Every Government officer or employee whose service has been lent to Panchayat while serving for the Panchayat shall also have the authority to exercise the powers entrusted by the Government and shall be liable to perform the duties.

(5) The Government officers and employees whose service has been lent to Panchayat shall not be entitled to get deputation allowance.

(6) The Panchayat shall have authority to appoint by transfer any Government officer and employee whose service has been lent to Panchayat from any office or institution of the Panchayat to office of the Panchayat or to any other office or institution under that Panchayat:

Provided that a Government officer or employee shall not be appointed by transfer from a department to another department:

Provided further that Panchayat shall be liable to comply with the general guidelines regarding the transfer of Government officers issued by the Government from time to time.

(7) Government may for sufficient reasons take back any Government officer or employee whose service has been lent to a Panchayat for the service of Government or may be appointed by transfer from that Panchayat to another Panchayat or to a Municipality.

(8) If a vacancy arises due to transfer, leave or any other reason in the post of Government Officer or employee whose service was lent to Panchayat and in the circumstances where the service of another Government Officer or employee is not immediately lent to fill such vacancy, subject to such general guidelines issued by the Government, the Panchayat may appoint another person temporarily in that vacancy, by informing the appointing authority in advance, for a period not exceeding six months or till a Government officer or employee is appointed to such vacancy which ever is earlier,—

(a) through employment exchange; or

(b) if candidate is not available through employment exchange on contract basis as per the conditions specially provided by the Government:

Provided that in the case of such temporary appointment as school teachers, if necessary, the period of six months may be reckoned, as till the end of respective academic year.

4. Imposing of minor penalties on officers. — (1) Where an officer fails to perform his official duty or violates the discipline or refuses to carry out the lawful decision of the Panchayat or wilfully obstructs the implementation thereof or fails to obey the lawful orders of the President, or for the misbehaviour or misconduct of an officer, the Panchayat may take disciplinary proceedings against such officer and may impose on him any one of the following minor penalties, namely: —

(1) censure,

(2) fine,

(3) temporary withholding of increment,

(4) withholding of promotion,

(5) recovery of amount from salary.

Notes: — (i) No fine shall be levied on an officer except in the post of last grade, part-time or full-time contingent. Huge amount shall not be levied as fine and trifle fine shall not be levied frequently;

(ii) the period of withholding of increment shall not be less than three months and not more than three years. There will not be any cumulative effect on withholding of increment and shall not have the effect of postponing future increments;

(iii) withholding of promotion shall be temporarily for a specific period and this period shall not be less than six months and not more than three years;

(iv) if the period is not specified in the order of withholding of increment or promotion it will be deemed to be three months and six months respectively;

(v) in the case where the order of withholding of increment cannot be given effect to the monetary value equivalent to the amount of increments ordered to be withheld will be recovered from the salary of the concerned officer;

(vi) recovery of amount from salary as a penalty shall be made only when pecuniary loss is caused to the Panchayat by the Act of the officer;

(vii) withholding of promotion of the officer concerned shall not entail loss of seniority in the grade for the time being he is working;

(viii) an officer whose promotion is withheld, shall if and when promoted to a higher grade or to higher time-scale subsequently, on promotion take his place at the bottom of the higher grade or higher time-scale.

(2) In the case where Panchayat initiates disciplinary action against an officer of the Panchayat referred to in Section 180 for an offence, the Secretary shall not, and in case where the Secretary initiates disciplinary action under clause (ix) of Section 182, the Panchayat shall not initiate disciplinary action against such person for the same offence.

(3) Notwithstanding anything contained in sub-rule (1) the concerned appointing authority and disciplinary authority shall have the power to initiate disciplinary action against the Secretary or Government officer or employee whose service has been lent to Panchayat under sub-section (2) of Section 176 or under sub-section (1) of Section 181.

(4) In the case where Panchayat initiates disciplinary action for an offence, against Secretary or Government officer or employee whose service has been lent to Panchayat, the concerned appointing authority or disciplinary authority and in the case where the appointing authority or disciplinary authority initiates disciplinary action under sub-rule (3) the Panchayat, shall not initiate disciplinary action, against such person for the same offence.

(5) In the case where the Secretary under clause (xi) of Section 182 or by the appointing authority or disciplinary authority, as the case may be, under sub-rule (3), initiates disciplinary

action against an employee whose service has been lent to Panchayat, it shall be in accordance with the Kerala Civil Service (Classification, Control and Appeal) Rules, 1960.

(6) If the Panchayat so decides, the Panchayats may require the Secretary to initiate disciplinary action for any offence against an employee of the Panchayat and the concerned disciplinary authority to intimate disciplinary action against a Government officer or employee whose service has been lent to Panchayat.

5. Procedure to issue memo of charges. — (1) Where on the basis of available informations, the President or the Panchayat prima facie is satisfied that an officer has committed an offence referred to in sub-rule (1) of Rule 4 and disciplinary action has to be initiated against him, the Panchayat has to decide, whether disciplinary action has to be initiated against that person and if the Panchayat so decides a notice requiring to show-cause for not initiating such disciplinary action shall be issued to the concerned officer. In the case of Secretary, the notice shall be issued by the President and in the case of an officer other than the Secretary, by the Secretary, as per the orders of the President:

Provided that on urgent occasions, notice may be issued subject to ratification of the Panchayat.

(2) The grounds proposed for initiating disciplinary action against the concerned officer shall be clearly shown in the notice issued under sub-rule (1) and after the receipt of notice not less than seven days time shall be allowed to furnish reply.

Note: — Vague statements shall be avoided in the notice, for example, a general statement in the nature of "not complied with the direction of President or Panchayat" shall not be a ground intended to initiate disciplinary action, instead of it shall be specifically stated that what direction in which circumstances has not been complied with.

(3) The President shall submit, the explanation, if any, received from the officer, within the specified time to the notice under sub-rule (1) and if no explanation is received, his report regarding the same for the consideration of the Panchayat. In case of an officer other than Secretary, along with the explanation the opinion of the Secretary or head of office, thereof, shall also be submitted by the President for the consideration of the Panchayat.

(4) After considering the explanation or the report mentioned under sub-rule (3) the Panchayat may decide whether the disciplinary action against the concerned officer is to be dropped or continued.

(5) In case whether the Panchayat decides to initiate disciplinary action against an officer under sub-rule (4) a memo of specific charges along with a statement of allegations based on charge or charges shall be issued to him and he shall be required therein to furnish written statement within fifteen days. The memo of charges shall be issued by the President in the case of Secretary and by the Secretary in the case of an officer other than the Secretary under the orders of the President.

(6) Memo of charges shall be in the model form appended to these rules and shall be signed by the President or the Secretary, as the case may be.

(7) Memo of charges shall be precise and in clear language and the date and time of occurrence of the incident wherever applicable shall be included therein.

(8) While issuing of orders regarding disciplinary action, in the statement of allegations on which each charge is based, shall also refer to any other circumstance which is proposed to be considered.

(9) A list of documents relied upon in framing the charges shall be listed out at the end of the statement of allegations.

(10) Two copies of the memo of charges and statement of allegation shall be issued to the concerned officer and one copy shall be not back with his dated signature and kept in the file.

(11) If no written statement is received within the period specified in the memo of charges, no reminder shall be issued to the concerned officer, and shall continue with further proceedings on the presumption that there is no written statement to be filled. Provided that in the case of application received for, extension of period, if the President is satisfied that reasons stated in the application are acceptable, such period may be extended to a period not exceeding fifteen days.

(12) If at any stage of the further proceeding the Officer applies for the perusal and obtaining the copy of any document referred to in the list appended to the statement of allegations he may be allowed to perusal and obtain, copy of the documents if the President considers that such permission is not against public interest in due supervision.

6. Examination of written statement. — (1) The President shall submit the written statement if any, received within the stipulated time from the officer to the memo of charges issued to him under sub-rule (5) of Rule 5 and if no written statement is received, his report regarding the same for the consideration of the Panchayat. In the case of an officer other than Secretary, the President shall also submit written statement, the opinion of the Secretary or head of office therein for the consideration of the Panchayat.

(2) If, in the written statement received from an officer, it is requested to hear him in person, President shall hear him in person on behalf of the Panchayat and shall submit the matters informed by him along with written statement for the consideration of the Panchayat.

7. Imposition of minor penalty. — (1) Where the Panchayat after considering the written statement furnished by the concerned officer to the memo of charges issued under sub-rule (5) of Rule 5, or if no written statement is received, the report of the President in that regard, is satisfied that the concerned officer has committed the offence alleged against him and after considering the nature and gravity of the offence committed, may impose on him any one of the penalties mentioned in sub-rule (1) of Rule 4 and orders with signature shall be issued accordingly on behalf of the Panchayat by the President, in the case of Secretary and by the Secretary in the case of an officer not being the Secretary.

(2) An order issued under sub-rule (1), —

(a) In the case of the Secretary, the President shall forward a copy with covering letter to the concerned appointing authority for implementation and for recording the details of penalty in his service register, to Government and if necessary to the Accountant General;

(b) in the case of a Government employee of the State service, the Secretary shall forward a copy with covering letter to the concerned head of department for implementation and for recording the details of penalty in his service register, to the Government and to the Accountant General;

(c) in the case of a Government officer of subordinate service the Secretary shall forward a copy with covering letter to the concerned head of office for implementation and for recording the details of penalty in his service register and if necessary to the concerned head of department;

(d) in the case of Panchayat employee referred to in Section 180, if awarded a penalty except withholding of promotion the Secretary shall execute by entering the details in his service register and in the case of withholding of promotion a copy of that order shall be sent to the appointing authority.

8. Suspension. — (1) If the President is prima facie satisfied that an employee of the Panchayat referred to in Section 180, a Government Officer or employee of subordinate service whose service has been lent to the Panchayat has committed an offence of serious nature, includes misconduct or deserves major penalty, and allowing him to continue in service is against public interest and will obstruct the enquiry being conducted or intending to conduct against him, he may suspend such employee from service subject to detailed enquiry and disciplinary proceeding.

(2) The concerned employee shall be entitled to subsistence allowance under Rule 55, Part I of the Kerala Service Rules, 1959, during the period of suspension.

(3) The President shall report the order of suspension and matters leading thereto in the next meeting of the Panchayat and shall seek the approval of the Panchayat for the order. If the Panchayat does not approve the suspension, the order of suspension stands cancelled suo moto and the employee suspended shall immediately be reinstated in the employment and period of suspension shall be treated as duty.

(4) The President shall immediately forward this copy of suspension order and the decision of the Panchayat thereon to the appointing authority.

(5) In the manner without being an obstruction to disciplinary action against the suspended employee, the Panchayat may at any time reconsider his suspension and he may be reinstated to the employment.

(6) The President shall complete the enquiry against the concerned employee within three months of issue of suspension order and shall submit the enquiry report for the consideration of the Panchayat.

(7) The Panchayat may decide after considering the enquiry report to drop the disciplinary action in the name of the employee or as the case may be, to initiate disciplinary action under Rule 4 or to forward the enquiry report under Rule 10 to appointing authority or Government, as the case may be.

(8) In the case share the Panchayat is imposing a minor penalty or dropping disciplinary action in the name of an employee and if the suspension of employee has not been withdrawn till then, together with imposing of mi nor penalty or dropping the disciplinary action, the suspension shall be withdrawn and how the period of suspension has to be treated shall be determined according to Rule 56 Part I of the Kerala Service Rules, 1959.

(9) In the case where the enquiry report under Rule 10 is sent to appointing authority or Government, as the case may be and if the suspension has not been withdrawn till then the suspension shall be continued or withdrawn as per the direction of the appointing authority or Government.

9. Appeal and re-examination. — (1) The officer concerned may file an appeal in the form annexed as Appendix 2 to these rules against the order issued by the President or Secretary as the case may be, on behalf of the Panchayat imposing minor penalty on an officer under sub-rule (1) of Rule 7, before an officer authorised by the Government for this purpose within thirty days on receipt of such order:

Provided that if the authority is satisfied that there is sufficient reason for not filing the appeal within the specified time, the appeal received after the time may be considered.

(2) On receipt of the appeal under sub-rule (1), the authority authorised shall call for and examine the connected records and shall after hearing in person the officer who preferred the appeal and the President on behalf of the Panchayat or any other person authorised by the Panchayat who imposed the penalty which being the ground for appeal, confirm, modify or cancel the order imposing such penalty or issue such orders as may deem fit.

(3) The Government may require the records relating to every order issued under sub-rule (2) either *suo-moto* or on application and may reconsider such order and pass appropriate order regarding it as they may deem fit:

Provided that no application for reconsideration of an order shall be considered if it is received by the Government after thirty days from the date of receipt of such order by the applicant:

Provided further that, an order adversely affecting an officer shall not be passed by the Government without giving an opportunity of being heard:

Provided also that the Government shall not *suo-moto* reconsider an order after one year from the date of the order.

10. Procedure on commission of offences which may result in imposing major penalties. — (1) If the President or the Panchayat believes that an officer has committed an offence which deserves any major penalty, the President, after conducting the enquiry against such officer or employee shall send the enquiry report together with the opinion of the Panchayat thereon to the appointing authority in the case of an employee of Panchayat referred to in Section 180 and shall send to the Government in the case of an officer or employee whose service has been lent to the Panchayat under sub-rule (1) of Rule 3.

(2) The appointing authority or the Government shall examine in detail the report of the President and opinion of the Panchayat, as the case may be, and if necessary after hearing the President or the officer alleged in person shall take suitable decision regarding initiation of disciplinary action and that decision shall be intimated to the President.

(3) In the case where the appointing authority or the Government decides to initiate disciplinary action against the officer the procedure contained in the Kerala Civil Service (Classification, Control and Appeal) Rules, 1960 shall be observed.

(4) In the case where the alleged officer has been suspended from service under Rule 8, matters as to whether suspension is to be continued or how the period of suspension is to be reckoned shall be examined by the appointing authority or Government, as the case may be, and shall issue suitable order.

11. Observation of provisions of other rules. — In the case of suspension, imposition of minor penalty and appeal, the procedure laid down in the Kerala Civil Service (Classification, Control and Appeal) Rules, 1960 and the Manual of Disciplinary Proceedings of Government of Kerala shall be applicable to matters not mentioned in Rules 4 to 10 and if there is any doubt or dispute arised regarding any of these, the decision of the Government shall be final.

12. Confidential report. — (1) The President shall prepare the confidential report of the Secretary from time to time and send to the appointing authority.

(2) The Secretary shall, prepare from time to time the confidential report of the employees of the Panchayat for whom it is directed as keep confidential reports and submit to the President for review and shall send to the appointing authority together with review report of the President.

(3) The President may send report regarding the service of the Government officers or employees whose service has been lent to the Panchayat from time to time to the concerned appointing authority and the said report shall also be taken into account, while considering such officer or employee for promotion.

13. Granting of leave. — (l)The Secretary may grant leave including casual leave to the employees of Panchayat referred to in Section 180 subject to eligibility and the provisions of the Kerala Service Rules.

(2) The President may grant casual leave to the Secretary and to the head of office and institutions which have been lent by the Government subject to eligibility.

(3) The granting of leave except casual leave to officers referred to in sub-rule (2) subject to eligibility and the provisions of the Kerala Service Rules, shall be by the Government officer authorised for this purpose.

(4) Granting of leave including casual leave subject to eligibility and the provisions of Kerala Service Rules to Government officer or employee not referred under sub-rule (2) whose service has been lent to Panchayat shall be by an officer authorised by the Government for this purpose.

(5) In the case where granting of leave except casual leave to any officer under sub-rules (3) and (4) is by a Government officer whose service has not been lent to Panchayat the leave application shall be sent to the said officer together with the recommendation of the President.

APPENDIX I

MODEL OF MEMO OF CHARGE

[See sub-rule (6) of Rule 5]

MEMO OF CHARGE

Charge against Sri/Smt..... (name) working in the post of..... in the (place of work, officer, institution etc.) under. ..... Panchayat.

1. It is seen that you, Sri/Smt .....have committed the offence of..... (here enter the alleged offence or the substance of the offences, relevant date or dates and place).

2. You are required to show cause, if any, in writing within fifteen days, from the date of receipt of this notice, as to why disciplinary action .should not be taken against you under Rule 4 of the Kerala Panchayat Raj (Control over Officers) Rules, 1997, and if no such statement is

received from you within the said period the matter will be proceeded with the presumption that you have nothing to offer in this matter.

3. A statement of allegations on which the above charge or charges is/are based is attached herewith.

Place ..... President/Secretary.

Date ..... For ..... Panchayat.

APPENDIX II

[See sub-rule (1) of Rule 9]

Appeal against disciplinary actions of. .....Panchayat.

1. Name and official address of the appellant :
2. Number and date of the order :
   appealed against (copy shall be enclosed)
3. Offence alleged for imposing penalty :
4. Details of penalty awarded :

Reasons based for appeal

(Enter the reasons in detail)

Place: Signature of the appellant.

Date:

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per sub-section (5) of Section 179, sub-section (9) of Section 180 and sub-section (3) of Section 181 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Panchayat is competent to impose minor penalties on Secretary, any officer or employee of the Panchayat and Government Officers or employees whose service has been lent to the Panchayat, respectively. The government intend to make rules, presenting the procedure in the matter and specifying the controlling power of the Panchayat over the officers and in the matter of granting of leave. This Notification is intended to achieve the above object.

THE KERALA PANCHAYAT RAJ (REGISTRATION OF PRIVATE HOSPITALS AND PRIVATE PARAMEDICAL INSTITUTIONS) RULES, 1997*

[Translation in English of the Kerala Panchayat Raj (Registration of Private Hospitals and Private Paramedical Institutions) Rules, 1997, published under the authority of the Governor.]

S.R.O. No.660/97.— In exercise of the powers conferred by Sections 270 and 271 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1 Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Registration of Private Hospitals and Private Paramedical Institutions) Rules, 1997.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires,-

(a) "Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994)

(b) 'Form' means a form appended to these rules;

(c) 'Register' means a register in Form 2 kept for recording the particulars regarding private hospitals and paramedical institutions registered in a Village Panchayat;

(d) 'Section' means a section of the Act;

(e) 'Secretary' means the Secretary of a Village Panchayat;

(f) words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Registration of private Hospitals and private Paramedical Institutions. — (1) No private hospital and private paramedical institution shall be established within the territorial limits of a Village Panchayat without previous registration under these rules.

(2) An application for registration of a private hospital or a private paramedical institution in a Village Panchayat shall be submitted by the person who proposes to establish or is authorised to establish that institution, to the Secretary in Form 1 together with the registration fee of two hundred rupees at least fifteen days before such institution is to be started functioning and the

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* Published in K.G. No.1270 dt. 27th August 2001, as No.26323/N2/2000/LSGDl.

Secretary shall reject any application which is not accompanied with registration fees.

(3) The Secretary or an officer authorised by him shall, within one week on receiving an application to register a private hospital or a private paramedical institution, visit the site and prepare an enquiry report in the relevant part of application form regarding the cleanliness of the site, the safety of the building or buildings and correctness of the other information furnished in the application.

(4) The Secretary shall, after considering the details in the application and the enquiry report, take a decision in the matter as to whether registration is to be given:

Provided that if it is decided to reject the application, a notice stating the reasons for the same shall be served and the final decision shall be taken after examining the representation received within the date specified in the notice.

(5) The applicant may file an appeal before the Village Panchayat against any decision under sub-rule (4) within thirty days of receipt of the order.

(6) The particulars regarding the institution decided to be registered shall be recorded in a separate register in Form 2 and on such recording the institution shall be deemed to be registered.

(7) The Secretary concerned shall issue a certificate in Form 3 to the applicant as an evidence of the private hospital or private paramedical institution has been registered in the Village Panchayat.

(8) The person who runs any private hospital or private paramedical institution shall exhibit in the institution, the registration certificate in respect of that institution and shall produce the same for inspection when required by the Secretary or officer authorised by him.

(9) If the registration certificate of a private hospital or a private paramedical institution is lost, the person who runs it shall apply for a duplicate certificate together with a fee of fifty rupees and on such application the Secretary shall issue a duplicate of the registration certificate.

(10) When a private hospital or a private paramedical institution is registered in a Village Panchayat, such registration shall have validity till the end of the respective financial year.

(11) If there occurs change of name or change in address or closure of a registered private hospital or a private paramedical institution, the person who runs that institution shall inform the Secretary in writing the details within fifteen days of its occurrence and on receiving such information he shall make necessary changes in the register of private hospitals and private paramedical institutions and the registration certificate, as the case may be, or cancel the registration certificate.

4. Registration of the existing private hospitals and private paramedical institutions. — (1) The person who runs a private hospital or a private paramedical institution which was existing at the time of commencement of the Act and is still functioning or which has started functioning after the commencement of the Act and has not been registered shall within a period of three months from the date of commencement of these rules, submit an application for registration.

(2) An application for registration of a private hospital or a private paramedical institution in a Village Panchayat under sub-rule (1) shall be submitted to the Secretary in Form 4 together with a registration fee of two hundred rupees.

(3) The Secretary shall conduct an enquiry on receiving an application under sub-rule (2) and if he is satisfied with the correctness of the particulars in the application , give registration and shall observe the procedure laid down in sub-rules (6) and (7) of Rule 3.

5. Renewal of registration. — (1) The registration of a private hospital or a private paramedical institution registered in a Village Panchayat shall be renewed before the commencement of the next financial year and for such renewal an application shall be made to the Secretary in Form 5 together with a registration renewal fee of fifty rupees.

(2) In the case of a renewal of registration under sub-rule (1), the particulars regarding the same shall be recorded in the register and a registration certificate shall be issued in Form 3.

6. Cancellation of registration. — (1) Where any person who runs a private hospital or a private paramedical institution has violated any of the basic conditions for issuance of the registration certificate, the Secretary may, after giving him an opportunity to submit a representation, cancel the registration certificate and may remove the name of such institution from the register.

(2) The person who runs the institution may file an appeal before the Village Panchayat against the decision of the Secretary under sub-rule (I) within thirty days of the receipt of such order.

7. Collection of annual fee. — (1) If a Village Panchayat is giving any service , such as removal of rubbish and draining of waste water, to a private hospital, that Village Panchayat may levy an amount not exceeding one thousand rupees as fee per year for that purpose from such private hospital.

(2) Annual fee of different rate may be fixed for private hospitals of various standard,

(3) Secretary shall give notice regarding the annual fee proposed to be levied, to the person who runs private hospital and after examining the representation received within the date specified in the notice, and shall fix the fee finally.

(4) Appeal may be filed to the Village Panchayat against the order of Secretary fixing the annual fee, within thirty days after the receipt of that order,

(5) Renewal of registration under Rule 5 shall not be allowed to any private hospital which has defaulted payment of annual fee.

APPENDIX

FORM 1

[See sub-rule (2) of Rule 3]

Application to Register Private Hospitals and Private Para Medical Institutions in the Village Panchayat

1. Name and address of the applicant
2. Name and address of the private hospital or private paramedical institution proposed to be established :
3. Date proposed to start functioning of the institution :

4.	Nature of functioning of the institution	
5.	If a hospital, number of beds	
6.	(1) Number of doctors	
	(2) Number of other employees (category wise) of the institution	
7.	If a training centre, subjects in which training is proposed, training facilities and number of trainees proposed to be admitted	
	Particulars of registration fees remitted	

Place: Signature of applicant

Date :

For Office Use

1.	Date of receipt of application	:
2.	Whether registration fees has been remitted or not	:
3.	Enquiry report	:
4.	Whether registration has been given or not (if not, state reason briefly)	:
5.	If registered, number and date of registration	:

Signature of Secretary

FORM 2

[See sub-rule (6) of Rule 3]

Register Relating to Private Hospitals and private Para Medical Institution Registered in ..... Village Panchayat During the Financial Year. .....

1.	Name and address of institution	:
2.	Registration Number	:
3.	Date of registration/date of renewal of registration	:
4.	Name and address of person who runs	:
5.	Date of starting of the institution/date on which the institution was started	:
6.	If a hospital, number of beds	:
7.	(1) Number of Doctors	:
	(2)Number of other employees working in the institution (category wise)	:
8.	In the case of training centres subjects	:
	in which training is given, facilities for	:
	training and number of trainees etc.	
9.	Particulars regarding fees levied for registration/renewal of registration	:
10.	Particulars regarding annual fees levied	:
11.	Remarks	:
12.	Signature of Secretary and date	:

FORM 3

[*See* sub-rule (7) of Rule 3]

Registration Certificate of Private Hospitals and Private para Medical Institutions

The .....*private hospital/private para medical institution in ……Village Panchayat is *registered/has renewed registration under the Kerala Panchayat Raj (Registration of private hospitals and private para medical institutions) Rules, 1997 as No.....on the ..... day of..... (month)..... (year). The said registration is valid upto the end of the financial year. .....…….

Address of the institution :

Name and address of the person who runs the institution :

Place: Signature and name of Secretary

Date :

(Seal of Village Panchayat)

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* Strike out which is not applicable

FORM 4

[See sub-rule (2) of Rule 4]

Application to Register an Existing Private Hospital or Private Para Medical Institution in Village Panchayat

1. Name and address of applicant :
2. Name and address of the existing private hospital/private para medical institution :
3. Date of starting of the institution :
4. Nature of functioning of the institution :
5. If a hospital, number of beds :
6. (1) Number of doctors :
   (2)Number of other employees working in the institution (category wise) :
7. If a training centre, subjects in which training is given, facilities for training and number of trainees :
8. Particulars regarding remittance of registration fee :

Place: Signature of applicant

Date :

For Office Use

1. Date of receipt of application :
2. Whether registration fees has been remitted or not :
3. Enquiry report :
4. Number and date of registration :

Signature of Secretary

FORM 5

[*See* sub-rule (1) of Rule 5]

Application for Renewal of Registration of a Private Hospital or a Private Para Medical Institution Registered in Village Panchayat

1.	Name and address of applicant	:
2.	Name and address of private hospital/ private para medical institution	:
3.	Registration number and date	:
4.	If a hospital, number of beds	:
5.	(1) Number of doctors (2) Number of other employees working in the institution (category wise)	:
6.	In the case of training centres if any, new training subject has been commenced, the details regarding it	:
7.	Particulars regarding the remittance of fees for renewal of registration	:

Place: Signature of applicant

Date :

For Office Use

1.	Date of receipt of application	:
2.	Whether fees for renewal of registration has been remitted or not	:
3.	Particulars regarding annual fees levied	:
4.	Whether registration is renewed or not (if not, state the reason briefly)	:
5.	If the registration has been renewed the renewed registration number and date	:

Signature of Secretary

Explanatory Note

(This does not form part of the Notification , but is intended to indicate its general purpose.) Section 270, 271 of the Kerala Panchayai Raj Act. 1994(13 of 1994) empower the Government to prescribe the particulars, fees and other details that shall be included in each application for the registration or for the renewal of registration of a private hospital and private para-medical institution. This Notification is intended to achieve the above object.

THE KERALA PANCHAYAT RAJ (AUTHORISATION OF TRIAL OF OFFENCES) RULES, 1997*

S. R. O. No. 1052/97. — In exercise of the powers conferred under clause (xxxii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Authorisation of Trial of Offences) Rules, 1997.

(2) They shall come into force at once

2. Definitions. — In these rules, unless the context otherwise requires,—

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Magistrate' means Judicial Magistrate having jurisdiction in the respective Panchayat area.

3. Judicial Magistrates of the First Class to try offences. — All offences against the Act or rules or bye-laws made thereunder shall, in case it is not specifically provided in the Act or rules which class of Magistrates shall try such offence, be tried by the Judicial Magistrates of the First Class.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

Government have decided to prescribe the class of Magistrates who shall try offences against the Act as provided in clause fxxxii) of sub-section (2) of Section 254. This Notification is intended to achieve this above purpose.

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* Published as S.R.O. No. 1052/97.

*THE KERALA PANCHAYAT RAJ (RESTRICTIONS AND CONDITIONS ON THE POWERS OF ENTRY AND INSPECTION) RULES, 1998

S. R. O. No. 28/98. — In exercise of the powers conferred by Section 241 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Restrictions and Conditions on the Powers of Entry and Inspection) Rules, 1998.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'section' means a section of the Act;

(c) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Entry for enquiry or inspection. — No Secretary or a person authorised by him or by the Panchayat shall, unless the occupier has been served with atleast twenty four hours' previous notice of the intention, enter, for the purposes of clause (a) of sub-section (1) of Section 241 any dwelling house or any part of a public building used as a dwelling place without the consent of the occupier thereof.

4. Entry into the premises having licence or permit. — For the purpose of clause (b) of sub-section (1) of Section 241, —

(a) the Secretary or any person authorised by him or by the Panchayat shall enter any premises between sunrise and sunset;

(b) the Secretary or any person authorised by him or by the Panchayat may, if there is reason to believe that any premises is being used for any of the purposes mentioned below without a licence or permission, when it is required by or under the Act that the premises shall be used only with such licence or permission or that anything is being done in such premises otherwise than in conformity with the conditions of licence or permission, enter such premises at any time by day without giving notice for satisfying himself that no provision of the Act, rules, bye-laws, or regulations or conditions of licence or permission or lawful direction or prohibition is being

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* Published in Kerala Gazette (Extra) No. 1140, as No. 6865/N1/1999/LSGD dt. 09-07-2001.

contravened:—

(1) tanning of hides or skins;

(2) manufacturing of gun powder or fireworks;

(3) brewing of beer, manufacturing of arrack or other liquor containing alcohol (whether denatured or not) by distillation;

(4) storing any explosive or combustible materials:

Provided that the Secretary or any person authorised by him or by the Panchayat shall, even when a premises may be entered without notice, give sufficient notice to the concerned, enabling the women occupying any part set apart for them to get sufficient opportunity to remove to any part of the premises in such a way that their privacy may be preserved.

Explanatory Note

(This does not form pan of the Notification, but is intended to indicate its general purpose.)

As per sub-section (I) of Section 241 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), subject to such restrictions and conditions as may be prescribed, the Secretary or a person authorised by him or by the Panchayat may, along with or without assistants or servants enter and inspect any place, building or land for the purposes of executing the functions provided therein. Government have decided to prescribe necessary restrictions and conditions for such power of entry. This notification is intended to achieve the above purpose.

*THE KERALA PANCHAYAT RAJ (CONSTRUCTION AND MAINTENANCE OF PUBLIC LATRINES, URINALS, BATHING PLACES AND SANITATION OF PRIVATE PREMISES) RULES, 1998

S.R.O. No. 334/98. — In exercise of the powers conferred by Section 219 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with clauses (xxi) and (xxxiv) of sub-section (2) of Section 254 thereof, the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Construction and Maintenance of Public Latrines, Urinals, Bathing Places and Sanitation of Private Premises) Rules, 1998.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means a Village Panchayat constituted under clause (a) of sub-section (1) of Section 4;

(c) 'Secretary' means the Secretary of the Village Panchayat;

(d) 'Section' means a Section of the Act;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Providing of Public latrines. — The Panchayat shall provide and maintain sufficient number of public latrines in proper and convenient places and shall cause the same to be cleaned daily and kept in proper condition.

4. Issue of licence for public latrines. — (1) The Panchayat may issue licence for providing and maintaining latrines for public use for any period not exceeding one year.

(2) No person shall keep public latrine without a license issued under sub-rule (1).

(3) Any person having license for a public latrine shall keep the latrine clean and in proper condition.

5. **Providing of latrines by owner or occupier. —** (1) The Panchayat may, by notice,

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* Published in Kerala Gazette No. 22 dt. 28-05-2002, as No. 23418/N2/2001/LSGD dt 10-9-2001.

require the owner or occupier of a building, within the time as may be specified in such notice, to provide a latrine or alter or remove from an unsuitable place to a more suitable place any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or near that building or residing in such building and to keep it clean and in proper condition.

(2) Every owner or occupier of the land in which any group of six or more huts exists shall provide latrines of such description and number and in such condition as the Panchayat may, by notice, require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

(3) If such work to be done under sub-rule (1) or (2) is not carried out within the time specified in the notice, the Panchayat may, if it thinks fit, cause such work to be executed and the expenses incurred therefor be paid by the owner or occupier in default and if not paid accordingly, the same may be recovered as arrear of tax to the Panchayat.

6. Providing of latrines for labourers. — Every person employing workmen, labourers or other persons exceeding nine in number, shall provide and maintain latrines of such description and number and in such position as the Panchayat may, by notice, require, within such time as may be fixed in the notice for the separate use of males and females so employed.

7. Providing of latrines for markets, cart-stands, cattle-sheds, inns, etc.— The Panchayat may, by notice, require the owner or manager of a market, cart-stand, cattle-shed. Inn, tourist centre, theatre, railway station, port, park or other place of public resort, within the time as may be specified in such notice, to provide and maintain latrines of such description and number and in such position for the separate use of males and females.

8. Latrines to be screened from view and kept clean. — All latrines shall be so constructed as to screen the persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper conditions.

9. Providing of public urinals and bathing ghats. — (1) Public urinals and bathing ghats shall be provided for the use of the public in densely populated places and the places which Panchayat thinks fit.

(2) The Panchayat may, take its own measures to keep the public urinals and bathing ghats clean and to protect them or entrust such works with any person or establishment and levy fees from the public in the manner as may be decided by the Panchayat and the right to collect the fee may be given by auction or licence:

Provided that, no fees of any kind shall be levied from the public for bathing ghats provided with the tanks, rivers and streams, owned by the Panchayat.

(3) The Panchayat shall make available fresh water required in the public bathing ghats and urinals and shall provide necessary drainage facility to drain the filthy water.

10. Panchayat to provide for the removal of rubbish, solid waste and filth. — (1) Every Panchayat shall make adequate arrangements for, —

(a) the regular sweeping and cleaning of the streets and the removal of the sweepings therefrom;

(b) the daily removal of the filth and the carcasses of animals from private premises;

(c) the removal of solid wastes; and

(d) the daily removal of rubbish from dust-bins, waste-boxes and private premises, and with this object it shall provide,—

(i) depots, receptacles and places for the deposit of the filth, rubbish and the carcasses of animals,

(ii) covered Vehicles and vessels for the removal of filth,

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish,

(iv) Dust-bins, receptacles and places for the temporary deposit of domestic waste, dust, ashes, refuse, rubbish, offensive matter, refuse from industries and institutions and carcasses of animals.

(2) Panchayat shall make adequate arrangements for preventing the depots, places, receptacles, dustbins, vehicles and vessels referred to in sub-rule (1) becoming the sources of nuisance.

11. Duty of the owners and occupiers for storage and deposit of rubbish and solid wastes. — (1) It shall be incumbent on the owners of all premises to provide a receptacle of a size to be specified by the Panchayat for the purpose of storage of domestic wastes, wastes from industries and wastes from institutions, dust, ashes, refuse and rubbish generated from such premises.

(2) Such receptacles shall, at all times, be kept in proper condition and shall be provided in such number and at such place as the Panchayat may, from time to time, by notice in writing, direct.

(3) If shall be incumbent on the owners and occupiers of all premises to cause all domestic wastes, wastes from industries and wastes from institutions, dust, ashes, refuse, rubbish to be collected from their respective premises and to be deposited in the public receptacles, depot or place provided for the temporary deposit of wastes, at such time, as the Panchayat may, by public notice, from time to time, specify or to be handed over the wastes, to the persons engaged or identified by the Panchayat for this purpose.

12. Contract with owner or occupier for removal of rubbish or filth. Notwithstanding anything contained in the Kerala Panchayat Raj (Contract) Rules, 1996, the Panchayat may enter into contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms and conditions as are deemed expedient to the Panchayat and on payment of fees at such rates as the Panchayat may determine from time to time.

13. Introduction of house collection of rubbish. — (1) The Panchayat may introduce in the Panchayat area or part thereof, house to house collection of rubbish and other offensive matter, for which the Panchayat shall publish, from time to time, order, specifying the hours within which the occupier of any house or premises or land may place rubbish or offensive matter adjacent to his house, premises or land as may be specified by the Panchayat in a proper receptacle provided by the Panchayat or in a receptacle of the size and type as may be specified by the Panchayat in the order for the removal of such rubbish or offensive matter by the employees

of the Panchayat or by the Contractor who is engaged by the Panchayat.

(2) No person shall deposit rubbish or offensive matter on a public street at a time other than the time specified by the Panchayat and except in the receptacle provided or specified under sub-rule (1).

14. **Rubbish and other solid waste to be the property of the Panchayat**. — All the rubbish and solid waste collected by the employees or contractors of the Panchayat and the carcasses deposited in any public receptacles, depots and places, shall be the property of the Panchayat.

15. **Provision for the final disposal of solid wastes**. — (1) Every Panchayat shall find out and notify suitable places within or outside the Panchayat area for the purpose of final disposal of wastes. While preparing the master plan, the Panchayats shall also include the devices for the disposal of waste and find out the place for this purpose.

(2) While notifying, the place under sub-rule (1), health and environmental aspects shall be taken into consideration by the Panchayat.

(3) Every Panchayat may make adequate arrangements for the preparation of compost, for the utilisation of solid wastes and the disposal of the same by sale.

(4) Where composting of waste is not found feasible or practicable, sanitary landfill methods may be adopted by the Panchayat for the disposal of the wastes at the landfill sites in the manner as may be specified.

(5)Incineration of wastes shall be resorted to by the concerned institution for the disposal of the infectious wastes eliminated from the hospitals, nursing homes or health care centres and the non-industrial hazardous waste subject to the conditions specified by the Pollution Control Board and the Panchayat from time to time.

(6) The waste from hotels shall be disposed of by such institution itself subject to the guidelines issued by the Panchayat.

16. **Provision for processing of solid waste**. — The Panchayat may, for the purpose of recycling, treating, processing and disposing of solid wastes, or converting such solid wastes into compost or any other matter, construct, acquire, operate, maintain and manage any establishment within or outside the Panchayat area and run it on a commercial basis or may contract out such activity.

17. **Special arrangements to be made in places of pilgrimage and festival considering public health**.— (1) Where a temple, mosque, church or mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes, situated within a Panchayat area or in the neighbourhood, attracts large number of persons either, throughout the year or on particular occasions and in cases where the Panchayat makes any special arrangements necessary for public health, safety or convenience whether temporary or permanent under Section 219, the Panchayat shall, after consulting with the trustees or persons having control over such .area, decide the reasonable amount of recurring or non recurring contribution to be made to the Panchayat fund and shall require such trustee or person by a detailed notice to remit such amount to the Panchayat fund.

(2) in cases where temporary arrangements have been made under Section 219, the

trustee or the person shall remit the amount which demanded by the Panchayat in the Panchayat fund within 15 days after the receipt of notice.

(3) In cases where permanent arrangements have been made under Section 219 the amount shall be remitted in the Panchayat fund within 30 days after the receipt of notice demanding the contribution for the respective half year.

(4) If there is default in remitting the amount, the same shall be reported to the District Collector concerned and the District Collector shall recover such amount as an arrear of public revenue due on land from the trustee or person responsible and remit to the Panchayat.

18. Removal of rubbish filth and solid wastes accumulated in non-residential places. — (1) The Panchayat may, if it deems fit, by notice in writing, require the owner or occupier of any premises used as, —

(1) a factory, workshop or place for carrying on any manufacturing process, or

(ii) a market or trade premises, or

(iii) a slaughter house, or (iv) a hotel, eating house or restaurant, or (v) a hospital or a nursing home, or (vi) a warehouse or godown, or

(vii) a place in which large number of persons resort, where rubbish, offensive matter, filth, trade refuse, special waste, hazardous waste or excrementitious and polluted matters are accumulated in large quantities, to collect such matters accumulating thereon and to remove the same to a depot or place provided or directed by the Panchayat at such time and in such manner and by such routes as may be specified in the notice.

(2) Where the owner or occupier fails to comply with the instructions under sub-rule (1), the Panchayat may after, giving a notice, cause all rubbish including the debris, offensive matter, trade refuse, special waste, hazardous waste, of excrementitious and, polluted matter accumulated in such premises to be removed and the cost of such removal at such rate as may be determined by the Panchayat and specified in the notice issued under this sub-rule for such removal shall be paid by the said owner or occupier and if not paid it shall be recovered as an arrear of tax due to the Panchayat :

Provided that such cost shall not be at a rate less than the unit cost for the removal of such solid waste (including the cost for servicing and other charges, for the vehicles or vessels or means for removal) as the Panchayat may determine from time to time.

19. Prohibition of improper disposal of carcasses, rubbish and filth. — (1) No person shall, after due provision has been made under Rule 10 by the Panchayat for the deposit and removal of rubbish, solid waste, carcasses and filth, deposit the same, —

(a) in any street, or on the verandah of any building or on any unoccupied ground along the side of any street or in any public quay, jetty or landing place or on the bank of a watercourse or tank, or

(b) in any dustbin or in any vehicle not intended for the removal of the same, or

(c) in any vehicle or vessel intended for such removal save for the purpose of deodourising or disinfecting the same.

(2) Without prejudice to the generality of the provisions in sub-rule (1) no person shall deposit or cause to be deposited any building rubbish on any street, or public or private land without the previous permission of the Panchayat:

Provided that, no permission shall be granted until the fee fixed by the Panchayat is paid:

Provided further that, the Panchayat may, refuse to grant such permission, furnishing the reasons in writing.

20. Prohibition of Keeping filth on premises. — No owner or occupier of any premises, shall keep or allow to be kept for more than twenty four hours any filth in such premises or in any building or on the roof thereof or in any outhouse or in any place appertinent thereto, or fail to comply with any direction of the Panchayat as to the construction, repair, paving or cleaning of any latrine in his premises.

21. Prohibition against allowing out flow of filth. — No owner or occupier of any premises shall allow the water or any other filth from any sink, drain or stable to flow out of such premises to any side of a street except to a drain or a cess-pool or allow the water or filth to flow out of such premises in such a manner as to cause unavoidable nuisance due to the damage of the side wall or floor because of the said water or filth.

22. Prohibition of storage of skin. — No person shall deposit the skin of a carcass or dispose of the carcass at a place other than that provided for the purpose.

23. Prohibition of using of any cart without cover for the removal of filth etc.— No person shall for the removal of filth, use any cart or receptacle having no proper covering for preventing the escape of the contents thereof, or of the stench therefrom, or allow to spill, any filth intentionally or negligently while removing them or fail to clean the place where it was spilt by carefully sweeping them or place or deposit any filth in any public place whether in a closed or open vessel or otherwise.

24. Prohibition of deposit of rubbish or filth into public places. — No person shall, deposit or cause-to be deposited any rubbish or filth, or other debris into any public place not intended for deposit of rubbish, filth or debris.

25. Prohibition of causing nuisance in public streets etc.— No person shall cause nuisance by relieving himself in any street, public place or public path or permit any person under his control to do so.

26. Presumption as to the offender. — Where any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulated on any premises is deposited in any place in contravention of the provisions of these rules, it shall be presumed unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

27. Prohibition of depositing wastes at a place other than specified for the purpose by the employees of the Panchayat engaged in rubbish and solid waste management service. — No employee of a Panchayat engaged in rubbish and solid waste management service shall throw or place any domestic waste, dust, ashes, refuse, rubbish or trade refuse or

excrementitious or polluted things in any street or in any place not provided for the purpose or place or keep in any street any vehicle or carriage used for the removal of solid waste or excrementitious or polluted things or allow the same to remain in any street for any greater length of time than is reasonably necessary.

28. Power to inspect premises for sanitary purposes. — The Secretary or any officer authorised by him or the Panchayat may, at any time, inspect any premises for the purpose of ascertaining compliance with the provisions of these rules.

29. Punishment for the contravention of the provisions of the rules. — Any person who deposits or throws any rubbish, solid waste, carcasses or other wastes in contravention of the provisions of these rules or does any other act which is prohibited by these rules or fails to comply with any requisition or order received under or in accordance with these rules, shall on conviction before a Magistrate be punishable with fine which may extend to five hundred rupees.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per item 24 of the third schedule to the Kerala Panchayat Raj Act, 1994 (13 of 1994), providing of public urinals, lavatories and bathing places is a mandatory function of the Village Panchayat. The Government have the powers to make rules with respect to the manner in which the functions are to be discharged by the Panchayat as per clause (xxxiv) of sub-section (2) of Section 254 and with respect to regulating of contracts for the removal of rubbish or waste or any kind of rubbish or impurities in private premises, between the Panchayat and the owners or the occupiers of such premises as per clause (xxi) and regarding the fixing of time limit by which contributions are to be made to the Panchayat fund by those who are in control of the places of pilgrimage as per Section 219. The Government have decided to make the said rules. This notification is intended to achieve this object.

*THE KERALA PANCHAYAT RAJ (WRITING OFF IRRECOVERABLE AMOUNTS) RULES, 1998

S. R. O. No. 421/98. — In exercise of the powers conferred under Section 244 of the Kerala Panchayat Raj Act, 1994 (13 of 1994} read with Section 254 thereof the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Writing off irrecoverable amounts) Rules, 1998.

(2) They shall come into force at once.

2. Definitions. — In these rules unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Section' means a section of the Act;

(c) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedures to write off amounts. — (1) With regard to irrecoverable amounts, the employees who are authorised to recover them or the Village Officer who is required to collect the tax or fees under Section 211, shall report to the Secretary with reasons thereof and the Secretary shall examine the same and certify that eventhough all legal steps were taken to recover the amount from the defaulter they were failed and he has no property to recover the amount by attachment and a list of all such amounts shall once in every six months be prepared and submitted along with the report stating the reasons for writing off the amounts for the consideration of the Finance Standing Committee of the Panchayat. The Standing Committee may after considering the report of the Secretary, recommend the Panchayat to write off the amount.

(2) While considering to write off such amount the Panchayat Committee shall confirm that all possible steps have been taken and that the possibility to recover it is remote.

(3) If the Panchayat is satisfied that it is impossible to recover the amount by any means the Village Panchayat, Block Panchayat and the District Panchayat may, decide in each case to write oft amount not exceeding the maximum of one thousand rupees, two thousand rupees or five thousand rupees respectively. If the amount exceeds the maximum, Panchayat may write off after obtaining approval from the Director of Local Fund Audit and the Government.

(4) In case it is the duty of Government to realise any amount due to the Panchayat, the power to write off in respect thereof for the reason that it is irrecoverable, shall be exercised

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* Published in Kerala Gazette (Extra) No. 1486 dt. 18-08-2001.

only with the sanction of Government.

(5) When a proposal for write off is approved by the Panchayat Committee, the Secretary shall record the particulars regarding that in a register in the model of the form in the Schedule annexed to these rules.

(6) Immediately on obtaining the approval to write off tax, fees or any other amount, the Secretary shall after noting number and date of write off order, stamp "written off on all documents connected therewith such as notices, bills and warrants (including foil and counterfoil). Particulars as may be necessary shall be entered in the demand register also. A copy of order of write off shall be sent to the Auditor, and a copy shall be published on the notice board of the office of concerned Panchayat, but in the case of Block Panchayat, a copy shall be published on the notice board of the office of Village Panchayats, coming within the limit of that Block Panchayat and in the case of District Panchayat a copy shall be published on the notice board of the office of Block Panchayats and Village Panchayats coming within the limit of that District Panchayat and the Village Panchayats shall intimate the same in the succeeding meeting of the Grama Sabha.

SCHEDULE

[See sub-rule (5) of Rule 3]

Register to record the write off irrecoverable amount of..... *Village Panchayat/ Block Panchayat/District Panchayat

1.	Name and address of defaulter	:
2.	Reference regarding the entry in demand register	:
3.	Due amount and from which item	:
4.	Financial year in which amount become due	:
5.	Reason for approval of write off	:
6.	Amount written off	:
7.	Number and date of order of write off	:
8.	Signature of Secretary	:

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.)

As per Section 244 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) a Panchayat may write off irrecoverable amounts subject to the limitations and restrictions that may be prescribed. The Government have decided to prescribe the limitations and restrictions for the said purpose. This Notification is intended to achieve the above object.

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* Strike off whichever is not applicable

*THE KERALA PANCHAYAT RAJ (LICENSING OF PIGS AND DOGS) RULES, 1998

S. R. O. No. 465/98. — In exercise of the powers conferred under clause (ii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Licensing of Pigs and Dogs) Rules, 1998,

(2) They shall come into force at once.

2. Definitions. — In these rules unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Secretary' means the Secretary of a Village Panchayat.

3. Control in rearing of dogs and pigs. — (1) A Village Panchayat may decide by resolution that no person shall, from the date as may be specified, rear or keep dogs or pigs in the Village Panchayat area without a licence of the Village Panchayat and not in accordance with the conditions of the licence.

(2) The Secretary shall publish copy of the decision of the Village Panchayat under sub-rule (1) in the office of the Village Panchayat, notice boards of the Panchayats of that Village Panchayat area and in other public places and bring the decision of the Panchayat to the notice of the public by a pamphlet.

(3) The decision of the Village Panchayat shall be intimated in the next meeting of the Gramasabhas.

4. Licence. — If any Village Panchayat takes a decision under Rule 3, then, every person possessing or having control of any dog and or pig shall, before the date specified in the decision, submit an application to the Secretary showing the details such as the age, colour and breed of the animal together, with a fee of rupees ten for licence from the Village Panchayat to rear or keep in possession each such animal,

(2) If a dog or a pig comes into the possession of a person in any way, after the date specified in the decision of the Panchayat, he shall file an application for licence regarding such dog or pig under sub-rule (1) within one month.

(3) The applicant shall, along with an application under sub-rule (1) or sub-rule (2), produce a certificate obtained from a veterinary surgeon certifying that the dog has been inoculated

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* Published in Kerala Gazette No. 45 dt. 13-11-2001.

against rabies.

(4) The Secretary shall, along with the licence, issue a sealed metal token as an indication thereof and the owner shall keep it tied in the neck of the animal.

(5) The owner shall rear the dog or pig for which the licence has been issued in his premises itself and shall not allow it to stray and provisions shall be made in the licence accordingly.

(6) The period of a licence shall be till the end of the respective financial year and the licence shall be got renewed for the succeeding financial year before the expiry of that period by submitting application together with a fee of rupees ten.

(7) The Secretary shall keep a register containing the detail regarding the issue and renewal of licence.

5. Penalty for rearing dogs and pigs without licence and violating conditions of the licence.— (1) Any person rearing a dog or pig without obtaining a licence or by violating the conditions therein or by allowing it to stray shall, on conviction, be punished with fine which may extend upto two hundred and fifty rupees.

(2) In case the offence mentioned in sub-rule (1) is being continued, he shall, on conviction, be punished with fine which may extend upto fifty rupees for each day of such continuance.

6. Power to destroy stray dogs and pigs. — (1) It shall be the inevitable function of every Village Panchayat to seize and destroy stray dogs and pigs.

(2) The Village Panchayat may employ specially trained persons to seize and destroy stray dogs and pigs and he shall be paid remuneration as may be fixed by the Government from time to time.

(3) Any person obstructing the person authorised by the Village Panchayat to destroy stray dogs and pigs shall, on conviction, be punished with fine which may extend upto five hundred rupees.

Explanatory Note

(This does not form pan of the notification, but is intended to indicate its general purpose.)

Government have decided to make rules under clause (ii) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) regarding the licensing of dogs and pigs and destruction of unlicensed dogs and pigs. This notification is intended to achieve the above purpose.

THE KERALA PANCHAYAT RAJ (GRANTING OF REMISSION TO CONTRACTORS AND LESSEES) RULES, 1998*

[Translation in English of the Kerala Panchayat Raj (Granting of Remission to Contractors and Lessees) Rules, 1998, published under the authority of the Governor]

S.R.O. No. 466/98. — In exercise of the powers conferred by sub-section (1) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely: —

RULES

1. Short title and commencement— (1) These rules may be called the Kerala Panchayat Raj (Granting of remission to contractors and lessees) Rules, 1998.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Panchayat' means Village Panchayat, Block Panchayat or District Panchayat constituted under Section 4 of the Act;

(c) 'Contractor/lessee' means contractor/lessee who has entered into contract with the Panchayat in respect of any fees or lease amount or rent which is due to the Panchayat.

(2) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Realisation of amount as per contract. —** The revenue, which is to be realised from all persons or lessees who have entered into contract with the Panchayat, shall be realised by following strictly the terms of contract.

4. **Granting of remission. —** (1) No remission shall be granted in the contract amount otherwise than on the ground that the Panchayat is satisfied that loss has been caused to the lessee/contractor as he was prevented from carrying out the contract by reason of the occurrence of some event beyond the human control at the time of making contract, which could not reasonably have been anticipated like the outbreak of any epidemic or riot.

(1) The amount of remission granted shall be in proportion to the days which the contractor/ lessee is prevented from carrying out the contract as per the terms of contract on the grounds stated under sub-rule (1).

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* Published in K.G.Ex.No. 877 dt. 20-7-2001, as S.R.O. No. 466/98, & No. 49678/N1/2000/L.S.G.D. dt 26-5-2001.

(3) If penalty provided for belated payment in terms of contract, the amount so levied as penalty shall not be included in the amount or remission granted.

(4) If installments are allowed for the payment of amount under the terms of contract, such remission shall be granted only in cases where the contract amount has been paid in that financial year itself till the happening of destruction.

5. Application for granting of remission. — (1) The lessee/contractor who is eligible for remission under sub-rule (1) of Rule 4 shall submit an application to the Panchayat explaining the reason therefore.

(2) The Secretary shall give report on the application for remission after conducting necessary enquiry.

(3) The Panchayat committee shall take decision within thirty days on receipt of the application under sub-rule (1).

(4) The Panchayat shall obtain approval of the Government before granting remission exceeding ten thousand rupees.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Government have decided to make rules under sub-section (1} of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) regarding the granting of remission of any fees or lease amount or rent due to the Panchayat in the cases where loss has been caused to the lessee/contractor, who has entered into a contract with the Panchayat, as he was prevented from carrying out the contract by reason of the concurrence of some event beyond the human control which could not reasonably have been anticipated at the time of making the contract. This notification is intended to achieve this object.

*THE KERALA PANCHAYAT RAJ (BURIAL AND BURNING GROUNDS) RULES, 1998

S.R. O. No. 545/98. — In exercise of the powers conferred under clause (1) of sub-section (2) of Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the Government of Kerala hereby make the following Rules, namely: —

RULES

1. Short title and commencement. — (1) These rules may be called the Kerala Panchayat Raj (Burial and Burning Grounds) Rules, 1998.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) 'Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) 'Form' means a form appended to these rules;

(c) 'Panchayat' means a Village Panchayat constituted under clause (a) of sub-section (1) of Section 4;

(d) 'Secretary' means the Secretary of a Village Panchayat;

(e) 'Section' means a section of the Act;

(f) Words and expressions used but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Providing burial and burning grounds by Panchayat. — (1) Any Panchayat shall, if no sufficient provision exists, with the previous sanction of the District Collector, provide land to be used as burial or burning grounds or cemeteries by meeting the expenditure from the Panchayat fund and may charge rents and fees as the Panchayat may decide, for the use thereof.

(2) The request of a Panchayat for previous sanction to provide land under sub-rule (1) shall be submitted to the District Collector with the remarks of the District Medical Officer and the District Collector shall, before giving sanction, give due consideration to the remarks of the District Medical Officer regarding the suitability of the land selected as burial ground, giving priority to public health.

(3) The Panchayat may lease out the collection of rent and fees under sub-rule (1) to any private person or institution, for any period not exceeding three years at a time on such terms and conditions as it may think fit.

4. Certain cemeteries to be deemed registered and to undertake and register or close ownerless cemeteries. — (1) The cemeteries existing at the Commencement of these rules and registered or deemed to have been registered under the Kerala Panchayat (Burial and Burning grounds) Rules, 1967 shall be deemed to have been registered under these rules.

(3) If any dispute arises as to whether a cemetery is in existence at the commencement of

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* Published in Kerala Gazette (Extra) No. 50 dt. 18-12-2001.

these rules and deemed to have been registered under the Kerala Panchayat (Burial and Burning grounds) Rules, 1967, the same shall be subject to the decision of the concerned District Collector and the decision thereon shall be final.

(3) Where it appears to the Panchayat that there is no owner or person having control of any existing place used for burial, burning or otherwise disposing of the dead, the Panchayat shall assume such control and register such place, or may, with the sanction of the District Collector, close down it.

5. No burial and burning ground to be located within the limit of 50 metres of a dwelling house. — (1) No new burial and burning ground shall be provided within the limit of 50 metres of dwelling houses:

Provided that in the case of concrete vaults and electric crematorium the distance shall be a minimum of 25 metres from dwelling houses.

(2) Whether there is any burial and burning place or not within the specified limit from the dwelling house is to be determined by considering the circumstance on the date of application for licence.

6. Issue of licence to burial or burning grounds. — (1) No new burial or burning ground, whether public or private, shall be opened, constructed or used without a licence from the concerned District Collector.

(2) In the case of increasing or expending the area of an existing cemetery ground the same shall be considered as opening of a new cemetery and these rules shall be applicable to such burial grounds.

(3) Application for licence shall be submitted to the concerned Secretary in Form No. 1.

(4) Application for licence shall be accompanied by a plan of the ground to be registered showing the location, boundary, extent etc., the name of the owner or person or community interested therein, the system of management and such other particulars as the District Collector may require.

(5) In the case of private cemetery the Panchayat shall consider the application within thirty days from the date of receipt of the application and forward the same with its recommendations to the concerned District Collector through the District Medical Officer.

(6) The District Medical Officer shall conduct such enquiries as he may deem necessary on the application received from the Panchayats and shall forward the application with his specific recommendations to the District Collector within thirty days of its receipt.

(7) The District Collector, shall, on receipt of the application, publish the same in a daily newspaper in the regional language of the locality having wide circulation, in the notice board of the Panchayat, notice board of village and other public places specified by the Government, a notice inviting objections, complaints or suggestion, if any, with regard to the issue of licence, in writing within thirty days at the cost of the applicant.

(8) The District Collector after considering the objections, complaints or suggestions received if any in pursuance of the notice under sub-rule (7) and after conducting such enquiries, as may be deemed necessary, may, —

(a) grant licence in Form No. II; or

(b) refuse to grant licence; or

(c) postpone the grant of a licence until objections regarding the ground have been removed or any particulars called for by him have been furnished.

(9) The District Collector shall pass an order under sub-rule (8) within six months from the date of receipt of the application and shall inform the same to the concerned Panchayat.

(10) Any person aggrieved by the order of the District Collector under sub-rule (8) may, within thirty days from the date of order may file an appeal before the Government.

Explanation. — In computing the above said thirty (30) days the time required for obtaining copies of major records connected with the order appealed against shall be excluded.

(11) The Government may pass such orders on the appeal as they think fit, after conducting such enquiries as they deem necessary.

7. Registration of cemeteries. — (1) A register shall be maintained at the Panchayat Office, in which grounds registered, deemed to be registered, licenced or provided under Rules 3, 4 and 6 and all such grounds registered, licenced or provided before the commencement of these rules shall be recorded and the plans of such grounds shall be filed in such office.

(2) A notice in the regional language, Malayalam and English to the effect that such place has been registered, licenced or provided under sub-rule (1), shall be affixed at some conspicuous part at or near the entrance of such place.

(3) The register referred to in sub-rule (1) shall be inspected periodically by the Officer authorised by the Government in this behalf.

8. Prohibition of use of ground not registered, licenced or provided to dispose of the corpse. — No person shall bury, burn or otherwise dispose of any corpse other than in any ground, which has been registered or has been deemed to be registered or for which licence has been given or provided under these rules :

Provided that in each particular case, any corpse can be buried, burned or otherwise disposed or under customary rite in private ground without being injurious to public health.

9. Registers regarding burial and burning to be maintained. — (1) A register in Form No. Ill for recording the details regarding burial, burning or otherwise disposing of the corpse, shall be maintained by the Secretary or the Officer authorised by him in the case of public cemeteries and by the Secretary or other responsible Officer of the organisation, association or institution having control of such places in the case of private cemeteries and in each case of burial, burning or otherwise disposing of the corpse details regarding it shall be recorded in the register.

(2) Registers maintained by the Secretary or other responsible officer of the organisation, association or institution having control of the private cemeteries may be inspected by the Secretary of the Panchayat or the officer authorised by him in this behalf.

10. Prohibition of cemeteries dangerous to health or overcrowded with graves.— (1) If the Panchayat is satisfied, —

(a) that any ground for the burial or burning which is registered or for which licence has been issued is in such a state or condition as to endanger or likely to endanger the health of persons living in the neighbourhood thereof; or

(b) that any burial ground is overcrowded with graves, and in the case of a public place for burial or burning or otherwise disposing of the corpse and other place as aforesaid, or there exists or is provided another convenient place duly authorised for the disposal of the corpse for the persons who ordinarily use such place, the Panchayat may decide requiring to prohibit burial, burning or otherwise disposing of any corpse in such place.

(2) The decision under sub-rule (1) shall be forwarded to the District Medical Officer and the District Medical Officer shall after conducting necessary enquiries in the matter submit the decision

of the Panchayat to the District Collector with his specific recommendations.

(3) If the Collector, on considering the decision of the Panchayat and the recommendations of the District Medical Officer is satisfied that such place shall not be used for the disposal of the corpse, may give a notice that it shall not be lawful after the period to be specified in such notice to bury, burn or otherwise dispose of any corpse in such place :

Provided that before giving notice, the person having control over such place shall be given a reasonable opportunity to file objections, if any, against such action.

(4) Every notice under sub-rule (3) shall be affixed on the notice board of the Panchayat Office, in a conspicuous place in the constituency in which the cemetery is located and at the entrance of the cemetery.

(5) After the expiry of the period specified in such notice, no person shall bury, burn or otherwise dispose of the corpse at such place.

(6) Any person having complaint on the notice under sub-rule (3) may, within thirty days from the date of the notice, file an appeal to the Government.

Explanation. — The time required for obtaining copies of material records connected with the notice appealed against, shall be excluded in computing the above said thirty days.

(7) The Government may, after conducting such enquiries as they deem necessary, pass such orders on the appeal as they think fit.

11. Prohibition in respect of corpses. — No person shall, —

(a) bury or cause to be buried any corpse or part thereof in a grave, whether dug or constructed of masonry or otherwise in such a manner that the surface of the coffin or the surface of the corpse, where no coffin is used, is at a depth less than 2 metres from the surface of the ground ; or

(b) build or dig or cause to be built or dug any grave in any burial ground at a distance less than 75 centimetres from the margin of any other existing grave;

(c) without an order in writing of a Magistrate re-open a grave in which a corpse has already been buried ; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground but not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when a corpse or a part thereof is burnt or caused to be burnt permit the same or any part thereof or clothes thereon to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or a part thereof not decently covered; or

(g) while carrying a corpse or a part thereof within the Panchayat area leave the same in or around any street for any purpose whatsoever ; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection:

Provided that the condition in clause (a) may be relaxed in the case of cemeteries located in sandy and low lying areas.

12. The Panchayat may make bye-laws. — The Panchayat may, subject to the provisions of Section 256 and the Kerala Panchayat Raj (Procedure for making bye-laws) Rules, 1995 make bye-laws, —

(a) for the regulation of cemeteries and grounds for otherwise disposing of the corpses;

(b) regarding the levy of fees for the burial and burning or otherwise disposing of the corpses in the cemeteries; and

(c) for fixing the time for the burial and burning or otherwise disposing of the corpses in the cemeteries.

13. Penalty for breach of rules. — Any person who violates Rules 5, 6 (1), 8 and 10 (5) or abetting such violation shall, on conviction before a Magistrate, be punishable with a fine not exceeding one thousand rupees.

FORM No. I

[See sub-rule (3) of Rule 6]

Application for licence to open burial or burning grounds in.....Village Panchayat area.

1.	Name of applicant	:
2.	Address	:
3.	Occupation	:
4.	Proposed site of the cemetery	:
	(l)District	:
	(2) Taluk	:
	(3) Village Panchayat	:
	(4)Constituency	:
	(5) Village	:
	(6) Survey No.	:
	(7)Extent	:
5.	Boundaries of the site	:
	North:	
	South :	
	East	:
	West	:
6.	The nature and tenure of the land in which the cemetery is proposed to be established	:
7.	The interest of the applicant on the land	:
8.	The locality of the inhabitants/ community for whom the cemetery is proposed to be established	:
9.	Whether the ground is for burial or burning of corpse	
10.	Whether there is any dwelling house within a distance of 50 metres from the boundaries of the ground	:
11.	Distance of the boundaries of the ground to the nearest dwelling house or houses	:
12.	Whether necessary facilities are available/to be made available at the site for the burial/burning	:
13.	Whether the site is enclosed/to be enclosed with compound walls provided with gates	:
14.	Whether the plan of the site is enclosed with the application	:

DECLARATION

I do hereby declare that all the particulars given above are true and correct.

Signature of the applicant.

Place :

Date:

Note: If the applicant is an organisation, association or institution its name and the name and designation of the person who signs on behalf of that organisation, association or institution have to be entered in serial number 1 .

Recommendation of the Village Panchayat.

Remarks of the District Medical Officer.

Orders of the District Collector.

District Collector.

FORM No. II

[See sub-rule (8) of Rule 6]

No……

Licence to open and maintain cemetery for burial and/or burning corpse in .....Village Panchayat area.

The/Shri/Smt ..... (here enter the name of (he institution or organisation or the name and address of the person) is hereby permitted to open and maintain cemetery for burial/burning) disposing of the corpse in.....Acre/Hectare land comprised in Survey No .....of .....Village of ..... Village Panchayat subject to the provisions in the Kerala Panchayat Raj (Burial and burning grounds) Rules, 1998. The licensee is bound to comply with the provisions of the Kerala Panchayat Raj (Burial and burning grounds) Rules, 1998 and shall maintain the register prescribed in Rule 9 of the said Rules. The licensee is bound to comply with the conditions or provisions of bye-laws duly passed by the Panchayat for this purpose. The undersigned authority shall have the right to revoke the licence at any time if it deem necessary. This licence shall have validity until so revoked.

Issued on this the .....day of ..... (month) ..... (year) under the seal and signature of...…….....District Collector.

(Signature)

Name:

District Collector:

(Seal)

FORM No. III

(See Rule 9)

.....Village Panchayat

Name and Address of Licensee:

Licence No. and date:

Details of deceased	1. Serial No. : 2. Date and time of bringing to the burial/burning ground : 3. Name : 4. Name of father/husband : 5. Date of death : 6. Place of death : 7. Age : 8. Male/Female : 9. Religion/Caste : 10. Nationality : 11. Address : 12. Cause of death : 13. Whether the death is medically certified : 14. Whether buried or burnt :
Details regarding the person who brought the corpse	: : : 15. Name : 16. Address : 17. Relation with the deceased : 18. Signature 19. Signature of the licensee/authorised person 20. Remarks

*KERALA BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION AND LAND DEVELOPMENT) RULES, 1999

S.R.O. No. 827/99. — In exercise of the powers conferred by Section 565 read with Section 407 of the Kerala Municipality Act, 1994 (20 of 1994) and Section 254 read with Section 235 AB of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and in supersession of the Kerala Building Construction (Regularisation and Compounding of Offences) Rules; 1994 issued in notificat in G.O. (Ms) No. 196/94/LAD dated 18th August, 1994 the Government of Kerala hereby make the following rules, namely: —

RULES

1. **Short title, commencement and applicability. -** (1) These rules may be called the Kerala Building (Regularisation of Unauthorised Construction and Land Development) Rules, 1999.

(2) These rules shall come into force at once.

(3) These rules shall apply to all unauthorised constructions and land developments carried out before the [1][15th day of October 1999] in any Municipal area or in any Panchayat area.

NOTES

Section 407 of the Kerala Municipality Act, 1994 as amended by Act 14 of 1999 and section 235 AB of the Kerala Panchayat Raj Act, 1994 as amended by Act 13 of 1999 empowers the Government to regularise unauthorised constructions and land developments carried out on or before 31st December, 1998 collecting compounding fee as may be prescribed. Section 235 AB of the Kerala Panchayat Raj Act, 1994 as amended by Act 13 of 1999 also contains similar provisions. Government have decided to issue a common rule prescribing the form, procedure and fee for the above purpose. These rules came into force on 15th October 1999.

2. Definitions. — (1) In these rules, unless the context otherwise requires,-

(a) *"Act"* means the Kerala Municipality Act, 1994 (20 of 1994) or as the case may be the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(b) *"Secretary"* means the Secretary of a Municipality or a Grama Panchayat;

(c) *"Development of land"* means any material change on the use of the land other than for agricultural purposes, brought about or intended to be brought about by filling up of the land and/or water bodies, changing from the existing/former use of the land, layout of streets and footpaths, sub-division of land for residential plots or for other uses including lay out of internal

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* Published in K.G.Ex. No. 1877 dt.15-10-1999 under G.O. (Ms.) No. 196 /99/LSGD.

1. Substituted for "31st day of December, 1998" by S.R.O. No. 932/2000, dt. 5-9-2000.

streets, conversion of wet land, and developing parks, play grounds and social amenities of the like, but does not include legal partitioing of family property among heirs and construction of wells;

(d) *"unauthorised construction "* means any construction or reconstruction carried out and completed before [2][15th day of October 1999].-

(i) which the Secretary has no power to regularise under Section 406 of the Kerala Municipality Act, 1994 or Section 235W of the Kerala Panchayat Raj Act, 1994; and

(ii) deviating from the approved plan and in violation of the provisions of the Act or the Building Rules made thereunder, or

(iii) without obtaining permit and in violation of the provisions of the Act or the Building Rules made thereunder; or

(iv) deviating from the exemption order issued by the Government or violating any condition from such order;

(e) *"unauthorised development of land"* means any development or redevelopment of land carried out and completed before the [3][15th day of October 1999] without obtaining development permit and in violation of the provisions of the Act or the rules made thereunder of deviating from the approved plan and in violation of the provisions of the Act or the rules made thereunder;

(2) Words and expressions used and was not defined in these rules, but defined in the Act shall have the same meaning assigned to them in the Act.

3. Submission of application for regularisation of unauthorised construction and unauthorised land development. — (1) Application for regularisation of unauthorised construction and unauthorised land development shall be submitted to the Secretary concerned on or before [4][31st October 2000] in Form-I appended to these rules.

(2) The application shall be accompanied by the following documents namely. -

(a) A receipt for payment of application fee, if any paid to the concerned Panchayat or the Municipality as per rule 4;

(b) The plan and service plan of the building constructed or the land development carried out:

Provided that in the case of huts of any area or buildings with area not exceeding 20 M^2 only site plan showing the boundaries of the land, access, abutting road and location, area and set back etc., is required.

(c) Copy of plans, if any, earlier approved by the Secretary;

(d) Documents to prove ownership of land;

(e) Proof of having conpleted the costruction before [5][15th October, 1999];

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2. Substituted for "31st day of December, 1998" by S.R.O. No. 932/2000, dt. 5-9-2000.
3. Substituted for "31st day of December, 1998" by S.R.O. No. 932/2000, dt. 5-9-2000.
4. Substituted for "31st March, 2000" by S.R.O. No. 932/2000, dt. 5-9-2000.

(f) Details of application/exemption application, if any, filed; earlier, [6][x x]

[7][(g) Exemption order, if any, obtained earlier; and

(h) Details of action, if any, taken by the concerned local body against this constructions.]

4. Application fee. — The following fee shall be paid to the Municipality/Panchayat for an application for regularisation of unauthorised construction/unauthorised land development, namely: -

(1) In the case of huts and buildings not exceeding 20 sq. metres	..	No fee
(2) Thatched residential building upto 50 sq. metres	..	Rs. 25
(3) Telecommunication Tower	..	Rs. 1000
(4) All other buildings and land development	..	Rs. 100

5. Procedure for disposal of the application.— (1) The Secretary shall, after necessary inspections and verifications forward the applicaion to the Town Planner of the Town and Country Planning Department having jurisdiction in the District within 30 days of the receipt, stating whether the construct in was completed before [8][15th October, 1999] or not.

(2) Details of any building/land development permit earlier issued,any conditions stipulated therein and reference to any orders granting exemption from the building rules for the time being in force or Town Planning Scheme shall be verified and noted by the Secretary.

(3) The Secretary shall note the extent of violations of any provision of the building rules, for the time being in force and Town Planning Scheme, if any, in the report. The compounding fee as in Table-I appended herein, to be remitted in case it is allowed, may be calculated and noted in the report.

(4) The Town Planner concerned shall examine the application in detail and forward the same with recommendation to the Government within 30 days of its receipt. The amount of compounding fee to be paid should be reported to the Government.

(5) The Government, after examining the plans, other documents and also the recommendation of the Secretary and the Town Planner, shall issue orders according sanction to the Secretary for regularisation With or without conditions or rejecting the same and copies of the said order shall be sent to the applicant, the Secretary and the Town Planner concerned. The Government Order according sanction for regularisation shall specify the amount of compounding fee to be remitted in the Government Treasury, the Head of account and the period within which fee is to be remitted in the Government Treasury.

(6) If the applicant fails to remit the specified compounding fee or fails to comply with the conditions on or before the date specified in the regularisation order, the regularisation order issued by Government shall cease to operate from the said date.

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5. Substituted for "31st December, 1998 by S.R.O. No. 932/2000, dt. 5-9-2000.
6. The word "and" by S.R.O. No. 932/2000, dt. 5-9-2000.
7. Clause (g) substituted by by S.R.O. No. 932/2000, dt. 5-9-2000. Prior to the substitution clause (g) read as under: "(g) Exemption order, if any, obtained earlier."
8. Substituted for "31st December, 1998" by S.R.O. No. 932/2000, dt. 5-9-2000

(7) No unauthorised construction shall be regularised if the construction so carried out affects adversely the proposals of any sanctioned General Town Planning Scheme (Master Plan) or Detailed Town Planning Scheme for the area or if the construction grossly violates any safety provisions i the building rules for the time being in force or any safety condition specified in the exemption order or permit.

(8) The Secretary shall maintain a register of all treasury remittances towards compounding fee and shall forward quarterly reports thereon to the Government.

(9) Secretary shall also maintain a permanent register of all constructions or developments regularised under these rules containing the details such as name and address of the applicant, nautre of the unauthorised construction or land development, number and date of the Government Order by which regularisation was granted, amount of compounding fee remitted with chalan receipt particulars, conditions, if any, stipulated in the order and action taken and the result thereof.

6. Procedure in case the application for regularisat in is rejected. — (1) In case the application for regularisation of any unauthorised construction is partly allowed by Government and the applicant does not comply with the conditions including non-remittance of compounding fee within the time specified, it shall be the responsibility of the Secretary to take appropriate action for the demolition of such part of the building which is not regularised so as to render the remaining part of the construction to be in conformity with the order or conditions stipulated in the Government Order for regularisation.

(2) If the owner of any unauthorisedly constructed building fails to submit any application for regularisat in on or before [9][31st October, 2000] or if the application for regularisation is rejected in toto or if the compounding fee is not remitted within the time specified in the Government Order, the Secretary shall take appropriate action for the demolitions of the said unauthorised construction, after the said date or after rejection of the application or after the expiry of the time specified, as the case may be.

(3) The Secretary shall have the power to recover the cost for demolition from the owner or person responsible as if it were an arrear of property tax.

(4) The Secretary shall have the power to initiate prosecution against the owner or the person responsible for the unauthorised construction or land development for not complying with the provisions of the Act or these rules or any orders issued thereunder

7. Review by Government of its own orders. — (1) Any person aggrieved by an order issued or action taken by or on behalf of the Government under the provisions of these rules, may file a petition for review, to the Government:

Provided that there shall be only one review against any order issued or action taken.

(2) A petition for review under sub-rule (1) shall be presented within 30 (thirty) days from the date of the order or the service of the order complained of.

(3) When a petition for review has been presented under these rules, the Government may, if felt necessary, stay operation of the order or the action complained against, pending consideration of the petition.

(4) The application shall be in white paper typed or written i ink, affixed with Court fee

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9. Substituted for "31st March, 2000" by S.R.O. No. 932/2000, dt. 5-9-2000.

stamp worth Rs. 5, and shall also contain true copy of the order to be reviewed.

(5) The Government shall, if found so necessary, after hearing the petitioner, the Chief Town Planner and the Secretary, pass appropriate orders on the review petition.

TABLE – I

(See Rule 5 (3)]

Total Built up area			Compounding fee
(1)			(2)
(a)Residential buildings with thatched roof upto 50 sq.Ms.			Rs. 100
(b)Other residential buildings:	Upto	$50M^2$	Rs. 500
	Upto	$60M^2$	Rs. 550
	Upto	$70M^2$	Rs. 600
	Upto	$80M^2$	Rs. 800
	Upto	$90M^2$	Rs. 1000
	Upto	$100M^2$	Rs. 1500
	Upto	$120M^2$	Rs. 2000
	Upto	$140M^2$	Rs. 2500
	Upto	$160M^2$	Rs. 4000
	Upto	$180M^2$	Rs. 4500
	Upto	$200M^2$	Rs. 5000
	Above	$200M^2$	Rs. 5000+ Rs. 2000 for every $100M^2$ or part there of exceeding $200M^2$
(c)Flats and residential apartments:	Above $100M^2$		Rs. 4500
	Upto	120 sq. M.	Rs. 6000
	Upto	140 sq. M.	Rs. 6500
	Upto	160 sq. M.	Rs. 12000
	Upto	180 sq. M.	Rs. 13500
	Upto	200 sq. M.	Rs. 18000
	Above	200 M^2	Rs. 18000+Rs. 3000 for every 100 M^2 or part thereof exceeding 200 M^2
Note:- Building with area below 100 M^2 shall be included in other residential buildings.			
(d)Place of Public Workshop.	Upto	50 sq. M.	Rs. 750
Library, Orphanages and	Upto	60 sq. M.	Rs. 875
Buildings of local Body:	Upto	70 sq. M.	Rs. 900
	Upto	80 sq. M.	Rs. 1200
	Upto	90 sq. M.	Rs. 1500
	Upto	100 sq. M.	Rs. 2250
	Upto	120 sq. M.	Rs. 3300
	Upto	140 sq. M.	Rs. 3725
	Upto	160 sq. M.	Rs. 6000
	Upto	180 sq. M.	Rs. 6750

	Upto	200 sq. M.	Rs. 9000
	Above	200M^2	Rs. 9000+Rs. 1000 for every 100 M^2 or part thereof exceeding 200 M^2
(e)Non-Residential buildings:	Upto	50 M^2	Rs. 1500
	Upto	60 M^2	Rs. 1750
	Upto	70 M^2	Rs. 1800
	Upto	80 M^2	Rs. 2400
	Upto	90 M^2	Rs. 3000
	Upto	100 M^2	Rs. 4500
	Upto	120 M^2	Rs. 6000
	Upto	140 M^2	Rs. 6550
	Upto	160 M^2	Rs. 12000
	Upto	180 M^2	Rs. 13500
	Upto	200 M^2	Rs. 18000
	Above	200 M^2	Rs. 18000+ Rs. 3000 for every 100 M^2 or part thereof exceeding 200 M^2

(f) Telecommunication towers. Rs. 25,000 per tower and its ancillary structure.

(g) Unauthorised Land Development in all cases Rs. 100 per one Are.

FORM I

(See Rule 3(1)]

APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION/UNAUTHORISED LAYOUT

To

The Secretary to Government,
Local Administration Department,
Government of Kerala,
Thiruvananthapuram.

Through

(1) The Secretary,
..... Municipality/Panchayat.

(2) The District Town Planner,
……

Sir,

I have constructed a building near the building No.....or telecommunication tower near or over the building No.....or carried out alteration/addition to an existing building No in Survey No.....Village.....Taluk.....District .....before [10][15th October, 1999] without obtaining permit from the competent authority.

I have obtained permit No.....dated.....for the construction or reconstruction or addition or alteration to an existing building No ..... in Sy. No..... Village .....Taluk.....District.....and have carried out the

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10. Substituted for "31st December, 1998" by S.R.O. No. 932/2000, dt. 5-9-2000.

construction in deviation to the plans approved by the Secretary/after the expiry of the permit.

I have carried out land development without obtaining permit or deviating from the permit No..... or after the expiry of the permit.

[11] [I realise that the construction so carried out is in violation of the provision contained in the building rules and/or the Act at the time of commencement of the construction and the date of commencement of the construction is....."]

I request that sanction may be accorded to the Secretary for the regularisation of the said construction/land development.

The application fee of Rs .....only has been remitted vide.....

Necessary plans and statements in triplicate are enclosed.

Signature of Applicant.....
Name of the Applicant.....
(In Block letters)
Address:

Place :
Date :

STATEMENT (IN TRIPLICATE) TO ACCOMPANY APPLICATION

1.	Name and address of the applicant	:	
2.	Building Number/Number of nearest building	:	
3.	Details of land	:	
	Survey Number	:	
	Village	:	
	Area of the plot in Sq. M	:	
4.	Nature of ownership of land Sale Deed/Gift/Partition Deed	:	
5.	Whether Documents in proof of ownership of land are attached	:	Yes/No
6.	Nature of Construction		
	(a) New Building/Additional Construction/Alteration (any other)	:	
	(b) Concrete/Tiled Roof (any other)	:	
	(c) Total No. of floors of the building	:	
	(d) Total area	:	
	(e) Use of the building	:	
[12][6A.	Date of completion of construction	:	
6B.	Whether any action has already been taken against the unauthorised construction by the local body, if so furnish the details]		
7.	Whether 4 copies of the plans, site		

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11. Substituted the 4th paragraph by S.R.O. No. 932/2000, dt. 5-9-2000. Prior to the substitution it read as under; "I realise that the construction so carried out is in violation of the provisions contained in the building rules for the time being in force and /or in the Act."
12. Item 6A & 6B added by S.R.O. No. 932/2000, dt. 5-9-2000.

plan/location plan/elevation plan/ sections etc. of the building as constructed are attached : Yes/No

Details of application earlier filed/rejected/pending consideration :

Details of fee, if any, paid in connection with earlier application :

Any other remarks :

8. Details of copies of the building permit and approved plan (if permission was obtained earlier) submitted :

Signature of applicant:
Name of the Applicant:
(In Block letters)

(To be noted by the Municipality/Panchayat)

Inspection/Verification Report

1. Application Received on :
2. Verified on :
3. Remarks on the constructed :
4. Violation of the provisions in the Act or the Building Rules for the time being in force :

Rule	Required	Provided

5. Violation of provisions of Town Planning Schemes, if any :
   (a) Name of Scheme :
   (b) Violation :
6. Recommendations of the Municipal/ Panchayat Secretary :
7. Fee to be remitted if regularised :
8. Signature of the Secretary with date :

[13][CERTIFICATE

Certified that the date of completion of construction mentioned in item 6A of the application is verified and found correct.

SECRETARY]

(To be noted by the District Town Planner)

1. Nature of construction carried out :
2. Violations of the provisions in the Act or the building rules for the time being in force :
3. Violations of Town Planning Schemes, if any :
4. Recommendations :
5. Fee to be remitted if regularised :

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13. Added by S.R.O. No. 932/2000, dt. 5-9-2000.

OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS (INQUIRY OF COMPLAINTS AND SERVICE CONDITIONS) RULES, 1999*

S.R.O.No. 6/2000. — In exercise of the powers conferred by section 271R of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with section 254 thereof, the Government of Kerala hereby make the following rules, namely: -

RULES

1. Short title and commencement. —(1) These rules may be called the Ombudsman for Local Self Government Institutions (Inquiry of Complaints and Service Conditions) Rules, 1999.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules, unless the context otherwise requires, -

(a) 'Chairman' means a chairman appointed under sub-section (2) of section 271G of the Act;

(b) 'Complaint' means a complaint under section 271F (C) of the Panchayat Act;

(c) 'Form' means a form appended to these rules;

(d) 'Member' means a member appointed under sub-section (3) of section 271G of the Panchayat Act;

(e) 'Municipality Act' means the Kerala Municipality Act, 1994 (20 of 1994);

(f) 'Panchayat Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(g) 'Schedule' means the schedule appended along with these rules;

(h) 'Section' means a section of the Panchayat Act.

(2) Words and expressions used but not defined in these rules, but defined in the Panchayat Act or the Municipality Act shall have the meanings respectively assigned to them in the above said Acts.

3. Headquarters. —The headquarters of the Ombudsman for Local Self Government Institutions shall be at Thiruvananthapuram.

4. Salary and Service Conditions. —A member shall have the status equal to that of a Judge of High Court of Kerala and is entitled to get the same salary and allowances and pension and the same conditions of service shall be made applicable:

Provided that the allowances and conditions of service of a member shall not be varied to his disadvantage after his appointment.

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* Published in K.G. Ex. No. 981 dt. 10-7-2001, as G.O.(P) No.40095/Nl/2000/LSGD dt. 31-5-2001.

5. Other conditions. —In the cases where specific conditions are not available in these rules regarding the salary and conditions of service of the Chairman and the members, such rules and orders applicable to the Judges of the High Court from time to time shall be made applicable.

6. Staff. —The Government shall appoint a Secretary and other officers as mentioned in the Schedule appended to these rules, in order to assist it in discharging the duties vested with the Ombudsman:

Provided that the Government may, if they deem fit, appoint in consultation with the. Ombudsman such other officers and employees as may be necessary.

7. Form of the complaint. —The complaint shall be in writing and as far as may be in Form 'A'.

8. Copies of the complaint. — Each complaint and the documents, thereto, shall be accompanied with such number of copies as there are respondents in the complaint.

9. Statement of affirmation along with the complaint. — Each Complaint shall be along with a Statement of affirmation of all the matters mentioned in the complaint are true and correct in one's behalf and knowledge.

10. Copies of the documents produced. — (1) If the complainant desires to produce any document the complaint shall be filed along with four self attested copies of such documents and such additional copies as there are respondents in the complaint.

(2) The conditions mentioned in sub-rule (1) shall be applicable to the complaints filed on behalf of the Government.

11. Manner of filing of complaint. — Each complaint filed before the Ombudsman shall be filed directly before the Secretary to the Ombudsman or by registered post.

12. Fees. —The complainant shall affix Court fees Stamp of Rupees Ten on each complaint as fees:

Provided that no fees shall be paid if a complaint is submitted on behalf of the Government by a person authorised by the Government.

13. Registration of complaints. —The details regarding each complaint shall be entered in a register in Form ‘B’ and an acknowledgement receipt in Form ‘C’ that the complaint has been received and registered shall be given or sent through post by the Secretary.

14. Assigning of number. — Each complaint shall be numbered serially in Form 'B' and the same number shall be recorded in the complaint also.

15. Defective complaints. — No complaint not in conformity with the provisions of Panchayat Act and these rules shall be considered:

Provided that defective complaints shall be returned to the complaint and the defects of the complaints so returned shall be intimated to the” complainant in Writing. If the complaint so received back is resubmitted after curing the defects within fifteen days from the date of receipt by the complainant, further action shall be taken considering the same as a complaint filed under rule 13.

16. Service of notice on the respondent—The respondent of the complaint shall be served with a notice in Form 'D' by the Ombudsman after registering a complaint and giving acknowledgement receipt to the complainant along with a copy of the complaint and copies of the relevant documents intimating that a written statement of his averments on that and documents connected with which are to be submitted within fifteen days of receipt of the notice and if it is not submitted, the complaint will be disposed of *ex pane*.

17. Power to suspend the proceedings temporarily. — If the Ombudsman is satisfied that any action which is a ground for the complaint has to be suspended temporarily, which is essential to protect the interests of justice, it may order such suspension and the same shall be complied with by the concerned parties.

18. Examination of witnesses and production of documents. — (1) In the matter which is the ground for a complaint, the Ombudsman may summon any person as witness and require any person including the complainant or the respondent to make arrangement for the production of. connected documents and records before them.

(2) The respondents in a complaint shall produce the documents also which they rely on:

Provided, that on reasonable grounds, in the case where original of a document is not capable of being produced, a certified copy of that shall be produced along with the written statement.

(3) All the documents and records which were produced along with a complaint shall be received back from the Ombudsman by the person who produced it after two months from the date of disposal of the complaint within one month.

19. Manner and Procedure of conducting Investigation. — (1) If the Ombudsman is satisfied that, in any matter mentioned in the matter complaint filed before the Ombudsman, investigation by any police officer or other Government Officers or any technical experts is necessary, that may be subjected to the investigation by police officer or other Government Officers or any technical experts, as the case may be, and the investigation report so received may be considered for the disposal of the complaint.

(2) The Ombudsman may visit the building, office or place involved in or connected with the complaint as part of the investigation.

20. Establishment of the benches of Ombudsman. — When bench mentioned in sub section (4) of section 271 N is established one member from among the appointed members of the bench so established shall be from a person mentioned in clause (a) or (b) of sub-section (3) of section 271 G and that member shall be the Presiding Officer of that bench:

Provided that if the Chairman is a member of the bench so established, Chairman shall itself be the Presiding Officer of that bench.

21. Hearing and disposal of the complaint. — (1) If opportunity for personal deposition before the Ombudsman is requested by complainant or the respondent such opportunity shall be given and the complaint shall be disposed of, after examining the documents produced and the evidence adduced by them.

(2) The Ombudsman shall finally dispose of each complaint within six months after the receipt of the same.

22. Prosecution and further action. —If the Ombudsman is satisfied that there is a prima facie case involving of a criminal offence against the alleged person, the Secretary to Ombudsman shall send the complaint to the District Superintendent of Police along with the findings and recommendations thereon.

(2) The District Superintendent of Police shall, on receipt of complaint and recommendation under sub-rule (1), register the case and intimate the Ombudsman the details regarding the further action and orders from time to time without failure.

(3) For the failure in taking action mentioned in sub-rule (2) the action may be taken by the Ombudsman against the concerned parties which it thinks fit.

23. Rectification of error in the order. —The Ombudsman may, whenever *suo-moto* or on application by any person, rectify or add as the case may be, any error or omission in its order:

Provided that the concerned parties shall be given an opportunity for submitting their grievances before such rectification or addition.

24. Language to be used in the proceedings and orders. —The Ombudsman shall use either Malayalam language or the English language in the trials and proceedings and orders of it.

25. Action, if the order of the Ombudsman is not enforced. — All the persons concerned are liable to enforce the orders of Ombudsman and action may be taken by the Ombudsman against those who make default in it.

26. Giving copy of the order. —(1) The copy of final disposal of the complaints before the Ombudsman shall be given to each party to the complaint within one month from the date of disposal:

Provided that if any party to the complaint applies in writing that a copy of the disposal is immediately required that shall be given within one week in such circumstances.

(2) The orders issued by the Ombudsman shall bear the signature and office seal of the Ombudsman and in the cases where copies of the said orders are issued they shall bear the signature and office seal of the Secretary.

(3) On the final disposal of the complaints before the Ombudsman date of disposal and; nature of disposal and the details thereof, shall be entered into the form 'B' register.

(4) All types of records and documents such as files and registers in respect of each complaint in the office of the Ombudsman shall be preserved.

27. Certain powers of the Ombudsman. — In the cases where procedure in these rules are not specially specified for the disposal of the complaints before the Ombudsman, it may take appropriate procedure which it thinks fit.

28.Review. —The Ombudsman may, suo moto or on application submitted within sixty days from the date of order, review any of its decision.

29.Removal of doubts.—The Government may by order, remove the doubts regarding the interpretation of the provisions of these rules or other doubts.

SCHEDULE

(See rule 6)

Sl. No	Post	No. of Post	Manner of appointment
(1)	(2)	(3)	(4)
1.	Secretary	1	Deputation from the post of Additional Secretary of Law Department, Secretariat.
2.	Administrative Office	1	Deputation from the post of Joint Secretary of Department of General Administration, Secretariat.
3.	Finance Officer	1	Deputation from the post of Deputy Secretary of Department of Finance, Secretariat.
4.	Section Officer	4	Deputation from the post of Section Officer of Secretariat. Should be Law Graduates.
5.	Court Officer	3	Deputation from the post of Court Officer of the High Court or Shirastedar of District Court.
6.	Assistant	8	Deputation from the post of Legal Assistant or Assistant of Secretariat or equivalent post in Judiciary or Subordinate Service of the Government. Knowledge in Computer is necessary.
7.	Confidential Assistant	10	Deputation from the post of Confidential Assistant of Secretariat or equivalent post of Subordinate Service. Knowledge in Computer is desirable.
8.	Typist	4	Deputation from the post of Typists of Secretariat or equivalent post of Subordinate Service. Knowledge in Computer is desirable.
9.	Driver	8	Deputation from the post of Driver of Subordinate Service.
10.	Peon-cum-Duffedar	13	Deputation from the post of Peon in Subordinate Service.
11.	Part-time Sweeper	1	As provided under the Kerala part-time Contingent Service Rules.

APPENDIX

FORM A

(See Rule 7)

Before the Ombudsman for the Local self Government institutions constituted under section 271G of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

Complaint number

	(Name and Address)	:	Complainant
	(Name and Address)	:	Respondent/Respondents
1.	Name of Complaint	:	
2.	Name of Father/Husband	:	
3.	(a) Age	:	
	(b) Occupation	:	
4.	Permanent Address	:	
	Name	:	
	Home name/number	:	
	Village	:	
	Post Office	:	
	Taluk	:	
	District	:	
5.	Nature of Complaint, Explanations and details	:	
6.	Name and Address of persons (if any) whom the complainant considers that they know the facts regarding the complaint and desires to summon them before the Ombudsman	:	
7.	Description of documents produced with the complaint	:	

1..... 2.....
3..... 4.....
5..... 6.....
7..... 8.....
9..... 10.....

Place:
Date: Signature of the Complainant.

It is hereby declared that the facts given above are true and correct to the best of my/our knowledge and belief.

Signature :

Date :

(Note:- Complainant may take copy of this form in white paper. Additional paper may be added for giving the nature and description of complaint.)

FORM B

(See Rules 13-26)

Ombudsman for Local Self Government Institution Complaint Register

SI. No.	Date of Registration of complaint	Name & Address of complainant	Name& Address of Respondents	Summary of complaint	Date and Summary of interim order	Date of Final Order	Summary of order	Signature of Ombudsman	Remarks
(I)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM C

(See Rule 13)

Ombudsman for Local Self Government Institutions,
Thiruvananthapuram

RECEIPT

Your complaint dated..... Received on..... (Date). That has been Registered as complaint No.....of..... (Year).

Place:

Date:

Secretary,
For Ombudsman for Local Self Government Institutions,

To

Complainant
(Name and Address of Complainant)

FORM D

Notice to the Respondent

(See Rule 16)

Before the Ombudsman for Local Self Government Institutions

[Complaint No.....of ..... (year)]

Complainant .....

Respondents/Parties .....

Whereas a complaint by the above mentioned Name/Names, Before the Ombudsman for the Local Self Government Institutions.

You are requested to file a written Statement regarding your defence on that and related documents within fifteen days of receipt of the Notice. If you fail to submit the Written Statement within the period of time specified above the complaint will be disposed of ex parte.

If the Respondent is Panchayat/Municipality the related files and records thereof shall be submitted along with the Written Statement. By specifying reasonable impediments, if any, in producing the true copies of records shall be produced.

A copy each of the complaints and the documents filed by the complainant is attached herewith.

Given under the signature and seal of the Chairman on..... Date ..... Month.

Ombudsman for Local self Government Institutions.

Respondent
……. ……...
…….

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Section 271 R of the Kerala panchayat Raj Act, 1994 (13 of 1994) empowers the Government to make Rules regarding the conditions of service of members of Ombudsman, procedure to submit complaints, manner of conducting enquiry on the complaint procedure of execution of order and further proceedings and form for submitting the complaint. This Notification is intended to achieve the above purpose.

THE KERALA PANCHAYATS SUBORDINATE SERVICE RULES, 1994*

1. Short title and commencement. — (1) These Rules may be called the Kerala Panchayats Subordinate Service Rules, 1994.

(2) They shall be deemed to have come into force on the first day of January, 1990.

2. Constitution. —(1) The service shall consist of the following categories of Officers, namely :-

	GROUP I
Category 1-	Special Grade Executive Officer (Redesignated as Special Grade Secretary) (Grama Panchayat) with effect from 23rd April, 1994.
Category 2-	Panchayat Inspector/Junior Superintendent.
Category 3-	Executive Officer (Redesignated as Secretary) (Grama Panchayat) with effect from 23rd April, 1994.
	GROUP II
Category 1-	Head Clerk
Category 2-	Upper Division Clerk
Category 3-	Lower Division Clerk
Category 4-	Peon
	GROUP III
Category 1-	Librarian Grade I
Category 2-	Librarian Grade II
Category 3-	Librarian Grade III
Category 4-	Librarian Grade IV
	GROUP IV
Category 1-	Nursery School Teacher
Category 2-	Ayah
	GROUP V
Category 1-	First Grade Overseer
Category 2-	Second Grade Overseer
Category 3-	Third Grade Overseer
	GROUP VI
Category 1-	Sanitary Inspector
Category 2-	Nurse
Category 3-	Pharmacist
Category 4-	Auxiliary Nurse-cum-Midwife
Category 5-	Midwife
Category 6-	Nursing Assistant
	GROUP VII
Category 1-	Tractor Driver
Category 2-	Driver, Heavy Duty Vehicles/Light Duty Vehicles

* Published in KG. Ex. No: 627 dt. 21-6-1994

NOTES

Section 1 (2): - The restrospective effect given to the service Rules cannot be invalidated on the ground that it affects seniority and chance of promotion of employees. *Kerala Panchayat Executive Officers Association V State of Kerala* 1995 (1) ILR591.

Rule 2 & 3:- Rules 2 and 3 of the Kerala Panchayats Subordinate Service Rules are not arbitrary or unreasonable. They are legal and valid. - Kerala Panchayat Executive Officers Association V. State of Kerala 1995 (I) ILR 591.

(2) With effect from 1st January, 1990 the employees belonging to the Panchayat Common Service, except contingent employees and those from the Panchayat Department including all the Categories of Executive Officers shall be constituted into one service, namely, the Kerala Panchayats Subordinate Service.

(3) With effect from 23rd April, 1994, the Special Grade Executive Officer and Executive Officer shall be redesignated as Special Grade Secretary (Grama Panchayat) and Secretary (Grama Panchayat) respectively.

Note. - 1. All the categories in Group I, categories 1 and 2 in Group II, categories 1,2 and 3 in Group III and categories 1 and 2 in Group V shall be constituted at the State level and Categories 3 and 4 in Group II, Category 4 in Group III, all the categories in Group IV, Category 3 in Group V and all the categories in Groups VI and VII shall be constituted at the District Level.

Note. - 2. Those who are in service as on the 1st day of January 1990 in the Panchayat Department and in the Panchayat Common Service shall be treated as two units for the purpose of promotion in respect of identical posts in the Panchayat Department and in the Panchayat Offices and separate gradation lists in respect of such categories shall be prepared and kept by the Director of Panchayats or the District Panchayat Officer, as the case may be.

Note.-3. There shall be no distinction between the employees of identical posts of separate units as stated in Note 2 who are recruited through the Public Service Commission on or after 1st day of January 1990, the District Panchayat Officers/Director of Panchayats shall prepare integrated seniority list in respect of such employees in each category.

3. Appointment. — Appointment to various categories shall be made as follows: -

Category	*Method of appointment*
GROUP I	
1. Special Grade Executive Officer redesignated as Special Grade Secretary (Grama Panchayat)	By promotion from among the Panchayat Inspectors/Junior Superintendents.

Note. - A ratio 8:5 shall be followed between the persons in the gradation list of Junior Superintendents of the Panchayat Officers and Panchayat Inspectors / Junior Superintendents of the Panchayat Department for appointment as Special Grade Executive Officer/Special Grade Secretary (Grama Panchayat). When one list is exhausted the persons in the other list will become exclusively eligible for appointment till the last Junior Superintendent of the Panchayat Offices or Panchayat Inspector/Junior Superintendent of the Panchayat Department as the case may be, is

promoted and thereafter there will be no ratio and the post of Special Grade Executive Officer/ Special Grade Secretary (Grama Panchayat) shall be filled up by promotion from the panchayat Inspector/Junior Superintendent according to seniority.

2.	Panchayat Inspector/ Junior Superintendent	By promotion from among the Executive Officers/ Secretary (Grama Panchayat)

Note- This post is categories as Panchayat Inspector and when the Panchayat Inspector is posted for office work, he will be designated as Junior Superintendent. Both the posts of Panchayat Inspector and Junior Superintendent are interchangeable.

3.	Executive Officer / Secretary (Grama Panchayat)	1. By promotion from among the Head Clerks and 2. By direct recruitment.

The ratio between promotion and direct recruitment shall be 6:4

Provided that the ratio 9:1 shall be followed between Head Clerks of the Panchayat Offices and Head Clerks of the Panchayat Department for promotion as Executive Officer/Secretary (Grama Panchayat), *till the last Head Clerk in both the units as on the date of commencement* of these rules is appointed as Executive Officer/Secretary (Grama Panchayat). Thereafter, there shall be no ratio for promotion, and 60% of the posts of Executive Officer/Secretary (Grama Panchayat) shall be filled up by promotion from among Head Clerks according to seniority.

GROUP II

Category 1- Head Clerk	By promotion from among Upper Division Clerks

[1]*[Note* - 1: A ratio of 13:2 shall be followed between Upper Division Clerks of the Panchayat Common Service and Upper Division Clerks of the Panchayat Department for promotion as Head Clerk till the last Upper Division Clerk in both the units as on the date of commencement of these rules is appointed as Head Clerks];

Category 2- Upper Division Clerk	By promotion from among Lower Division Clerks.

[2]*[Note* -1: A ratio of 10:1 shall be followed between Lower Division Clerks of Panchayat Common Service and Lower Division Clerks of Panchayat Department for promotion as Upper Division clerk till the last Lower Division clerk in both the units as on the date of commencement of these Rules is promoted as Upper Division Clerk];

Note - 2: Lower Division Clerks who do not posses the qualification of pass in S.S.L.C. (formerly Bill Collectors and Panchayat Assistants Grade II) and who were in service as on 1st day of January, 1990 will be eligible for promotion to the post of Upper Division Clerks if they possess the following qualifications, namely : -

(1) Panchayat Executive Officer's Training or Panchayat Test

(2) Pass in Account Test (Lower) and

(3) Pass in Manual of Office Procedure Test

They shall not be eligible for further promotion.

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1. Note (1) added by S.R.O. No. 192/98, in K.G. Ex. No. 352 dt. 24-2-1998.
2. Note (1) added after numbering the existing paragraph as note-2 by S.R.O. No. 192/98, in K.G.Ex. No. 352 dt. 24-2-1998.

Category 3- Lower Division Clerk By direct recruitment:

Provided that the post of Lower Division Clerk shall also be filled up by promotion from Junior Bill Collectors who have passed S.S.L.C. or its equivalent or by appointment from among full-time Librarians or Peons who have passed S.S.L.C. or equivalent qualification or by appointment from among the full-time or part-time contingent employees [3][Who entered in service as on 16th day of June, 1994 on completion of four years service and have passed S.S.L.C. or equivalent examination within a period of four years service till the last qualified incubent in the category is appointed to the posts;] Thereafter, this category shall be filled up only by direct recruitment:

Provided further that the Junior Bill Collectors who do not possess the qualification of pass in S.S.L.C., in the service "[as on 16th day of June 1994] on attaining 10 years service will be eligible for promotion as Lower Division Clerks if they pass the Special test, for the purpose conducted by the Public Service Commission. They shall not be eligible for further promotion :

Provided also that the Junior Bill Collectors as on 1st day of January, 1990 who have not passed S.S.L.C. but have achieved cent per cent collection for five years continuously shall be eligible for promotion as Lower Division Clerks. Such Lower Division Clerks have to pass the Special test, for the purpose conducted by the Public Service Commission for getting the second increment in the scale of pay of Lower Division Clerk. They shall not be eligible for further promotion.

Note.-The Special Tests referred to in the second and third provisos shall be one and the same.

Category 4- Peon
1. By direct recruitment and
2. Appointment by transfer from the contingent employees.

Note.-1. 60 per cent of the vacancies shall be filled up by direct recruitment, and the remaining 40 per cent by appointment from the contingent employees.

[5]{*Note*.-2. Full Time/Part Time Contingent Employees in Service as on 16th day of June, 1994 on completion of four years service and who have passed Standard VII of equivalent qualification within a period of four years shall be considered for appointment as Peons.]

GROUP III

Category 4- Librarian
1. By promotion from among qualified Grade IV persons.
2. In absence of suitable persons under (1) above by appointment by transfer from among qualified full time contingent employees with four years service.
3. In the absence of suitable persons under items (1) and (2) above by direct recruitment.

Note.- The ratio of 2:3:4:6 shall be maintained among Grade I, Grade II, Grade III and Grade IV Librarians.

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3. Substituted for "with four years service and have passed the S.S.L.C. or equivalent qualification till the last qualified incumbents in the category as on 1 st day of January, 1990 is appointed to the post" by S.R.O. No. 192/98 in K.G. Ex. No. 352 dt. 24-2-1998.
4. Substituted for "as on 1st day of January, 1990".
5. Note-2 substituted by S.R.O. No. 192/98, in K.G. Ex. No. 352 dt. 24-2-1998. Prior to the substitution Note-2 was as follows "Full-time or Part-time contingent employees in the service of the panchayats as on 1 st day of January, 1990 and who have passed *Standard VII or* equivalent qualifications and having four years service shall be considered for appointment as Peons."

GROUP IV

Category 1-School	Nursery By promotion from among qualified Part- time Nursery Teacher School with a Teacher minimum of 4 years service or in the absence of qualified hands for promotion, by direct recruitment.
Category 2-	Ayah Appointment by transfer from among qualified contingent employees with a minimum of 4 years service, or in the absence of qualified hands for appointment as above, by direct recruitment

GROUP V

Category 1-Overseer	First Grade Overseers, and	1. By promotion from Second Grade 2. By direct recruitment.

Note:- Appointment by promotion and by direct recruitment shall be made in the ratio of 1:1

Category 2-Overseer	Second Grade	By promotion from Third Grade Overseer or in the absence of qualified hands for promotion, by direct recruitment.
Category 3-Overseer	Third Grade	By Direct recruitment

GROUP VI

Category 1-	Sanitary Inspector	By direct recruitment
Category 2-	Nurse	By direct recruitment
Category 3-	Pharmacist	By direct recruitment
Category 4-	Auxiliary Nurse-Cum-Midwife	By direct recruitment
Category 5-	Midwife	By direct recruitment
Category 6-	Nursing Assistant	By direct recruitment

GROUP VII

Category 1-	Tractor Driver	1. By promotion from among qualified peons. 2. In the absence of qualified hands under item (1) above by appointment by transfer from among qualified contingent employees with a minimum of four years service. 3. In the absence of qualified hands under items (1)and (2) above by direct recruitment.
Category 2-	Driver	[6][1. By promotion from among qualified peons. 2. In the absence of qualified hands under item (1) above

6. Substituted by S.R.O. No. 192/98, in K.G.Ex. No. 352 dt.24-21998. Prior to the substituted it read as under "By direct recruitment
(2) All appointments made to any category of post between the date of commencement of these rules and the date of publication of these rules shall be revised in accordance with the provisions of these rules : Provided that all consequential promotions will be made notionally without the benefit of arrears of pay and allowances:
Provided further that a person promoted to any post during the period between 1 st day of January, 1990 and 20th day of October, 1993 and holding that post as on 20th day of October, 1993 shall not be reverted for giving effect to

by appointment by transfer from among qualified contingent employees with a minimum of four years service.

3. In the absence of qualified hands under items (1) and (2) above by direct recruitment.

4. Appointing Authority. — The appointing authority for the categories constituted at State level shall be the Director of Panchayats and for categories constituted at District level shall be the [7][Deputy Director of Panchayat],

5. Qualification regarding age. — No person shall be eligible for appointment by direct recruitment to any of the posts [8][except Driver] if he has not completed 18 years of age or has completed 35 years of age as on the first day of January of the year in which the applications for appointment are invited:

[9][Provided also that no person shall be eligible for appointment by direct recruitment to the post of Driver if he has not completed 18 years of age or has completed 38 years of age as on the 1st January of the year in which applications for appointment are invited.]

Provided that the upper age limit prescribed in the rules shall be relaxed by 5 years in the case of candidates belonging to the Scheduled Castes or Scheduled

Tribes and by 3 years in the case of candidates belonging to any of the other Backward Classes.

6. Reservation of appointment. — The rules relating to reservation of appointments (General Rules 14 to 17) as amended from time to time, shall apply to appointment to the service by direct recruitment.

7. Other qualifications. — No persons shall be eligible for appointment to the category mentioned in column (1) of the table below, unless he possesses the qualifications prescribed in the corresponding entry in column (3) thereof namely :-

TABLE

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
	GROUP-I	
1. Special Grade Executive Officer/Special Grade Secretary (Grama Panchayat)	By promotion	S.S.L.C. or equivalent
2. Panchayat Inspector / Junior Superintendent	By promotion	S.S.L.C. or equivalent
3. Executive Officer / Secretary (Grama panchayat)	By promotion	S.S.L.C. or equivalent
	By direct recruitment	Degree of a recognised University. Preferential

7. Substituted for "District Panchayat Officer" by S.R.O. No. 192/98 in K.g. Ex. No. 352 dt. 24-2-1998.
8. Inserted by S.R.O. No. 192/98, in K.G. Ex. No. 352 dt. 24-21998.
9. Proviso inserted by S.R.O. No. 192/98, in K.G. Ex. No. 352 dt. 24-2-1998.

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		qualification:- Graduation in Law
	GROUP II	
1. Head Clerk	By promotion	S.S.L.C. or equivalent
2. Upper Division Clerk	By promotion	S.S.L.C. or equivalent
3. Lower Division Clerk	By direct recruitment	S.S.L.C or equivalent
4. Peon	By direct recruitment and appointment by transfer	1.Literacy i n Malayalam or Tamil or Kannada 2. Cycling
Note: Women candidates and physically handicapped candidates will be exempted from the knowledge of cycling.		
	GROUP III	
Librarian Grade IV	By promotion/transfer and By direct recruitment	1. S.S.L.C or equivalent 2. A certificate in Library science issued by the Board of Public Examinations, Kerala or its equivalent. 3. A certificate in Library Science issued by the Kerala Grandhasala Sangham.
	GROUP IV	
1. Nursery School Teacher	By promotion and by direct recruitment.	1. S.S.L.C. or equivalent 2. A certificate of successful completion of Nursery Training issued by the Kerala Government, or the former Travancore-Cochin Government. OR Nursery Training Certificate issued by the State Council of Child Welfare. OR Balsevika Training Certificate issued by the State Council of Child Welfare. OR Pre-primary Teachers Training certificate issued by the Commissioner for Government Examinations, Kerala. Preference will be given to Teachers Training Certificate or Holders with any of the above qualifications.
2. Ayah.	Appointment by transfer and by direct recruitment	Pass in Form III (Standard VII) or equivalent.
	GROUP V	
1. First Grade Overseer	Direct Recruitment	Must posses any one of the following qualifications or equivalent thereof:- (a) Upper Subordinate Diploma of the College of Engineering, Guindy. (b)Diploma in Civil Engineering of the Universities in Kerala or Diploma recognised by the Government of Kerala as equivalent thereto. (c)Lower Subordinate Diploma of the College of Engineering, Guindy.

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		(d) Licentiate in Civil Engineering from the Technical Institutes at Kozhikode, Trissur, Kalamassery or other equivalent courses.
	By promotion	Must posses any one of the following qualifications: (a) Sreemulam Technical Institute Overseer's Course (two years course). (b) Draftsman's Course, College of Engineering, Guindy. (c) Group Certificate under Kerala Government Technical Examination or Madras Government Technical Examination. *Note :* Group Certificate will include all the four groups, namely, Building Drawing, Building Construction, Survey and Irrigation. Alternatively, a pass in eight subjects, namely :— Surveying and levelling (Higher), Applied Mechanics (Higher) Building Materials and Construction (Higher), Hydraulics and Irrigation (Higher), building Drawing and Estimating (Higher), Earthwork and Road making (Higher), Geometrical Drawing (Lower) or practical Plane and Solid Geometry (Lower) and Mensuration (Lower). (d)Certificate Course of College of Engineering, Thiruvananthapuram (2 years course). (e) Draftsman (Civil) Diploma obtained after 18 months course followed by six months practical training at the Industrial Training Centre, conducted by the Government of India, Ministry of Labour at Thiruvananthapuram, Thrissur, Chalakkudy, Kannur or elsewhere. *Note:*—1. Candidates who have successfully completed the Industrial Training of 18 months shall also be treated as qualified even if they have not completed the period of in plant training. But their appointments shall be treated as provisional and regularised only after completion of 6 months training. *Note:*— 2. Persons already in service in the Department on the date of issue of these rules holding a certificate secured after undergoing a course of 18 months in Draftsman Civil training under the T.T. Scheme, College of Engineering, Thiruvananthapuram or at the Industrial Training Centre of the Ministry of Labour, Government of India shall be deemed to possess an equivalent qualification. (f) Pass in the Overseer Course conducted by Government. OR Must possess Surveying and Levelling (Higher) K.G.T.E. or M.G.T.E. compulsory and any four of the following subjects under K.G.T.E., or M.G.T.E.

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		namely :- 1. Applied Mechanics (Higher) 2. Building Materials and Construction (Higher) 3. Hydraulic and Irrigation (Higher) 4. Building Drawing and Estimating (Higher) 5. Earthwork and Road making (Higher) 6. Mensuration (Lower). Persons possessing the qualifications (d) and (e) for promotion must have rendered a minimum service of 5 years in the category of Draftsman Grade **II.** If suitable persons with the above qualifications are not available for promotion, persons holding the posts of Draftsman, Water Works Inspector, Overseer Grade II with at least five years service in Public Works Department with any one of the qualifications mentioned in items 1,2, or 3 below or persons holding the same post with at least seven years service in the Public works Department with any of the qualifications mentioned under items 4,5 or 6 below may be appointed. 1. Sreemulam Technical Institute Maistries Course (1 year) conducted by the Sreemulam Technical School, Thiruvananathapuram (defunct). 2. Civil Maistries Course (1 year) conducted by the College of Engineering, Thiruvananathapuram (defunct). 3. Section Superintendents Course (Six months course) conducted by the erstwhile, Kochin Government. 4. Certified Course in Plumbing (defunct). 5. Certified course in Carpentry and Smithy (3 years course.) 6. Certified course in Carpentry and Cabinet making with a pass in Surveying and Levelling (Higher) Madras Government Technical Examination or Kerala Government Technical Examination.
2. Second Grade Overseer	Direct Recruitment	Must posses any one of the following :- (a) Sreemulam Technical Institute Overseer's Course (2 years course) (b) Draftsman's Course, College of Engineering Guindy. (c)Class III Certificate of the College of Military Engineering. (d) Group Certificate under Kerala Government Technical Examination or Madras Government Technical Examination. *Note*- Group Certificate will include all the four groups, namely, Building Drawing, Building Construction, Survey and Irrigation. Alternatively a pass in eight subjects, namely:- Surveying and Levelling (Higher), Applied Mechanics (Higher) Building Materials and Construction (Higher),

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		Hydraulics and Irrigation (Higher), Building Drawing and Estimating (Higher), Earthwork and Roadmaking (Higher), Geometrical Drawing (Lower) or Practical Plane and Solid Geometry (Lower) and Mensuration (Lower). (e)Certificate course of College of Engineering, Thiruvananathpuram (2 years course) (f) Draftsman (Civil) Diploma obtained after 18 months course followed by six months practical training at the Industrial Training Centre, conducted by the Government of India, Ministry of Labour at Thiruvananthapuram, Chalakkudy, Kannur or elsewhere. *Note.~\.* Candidates who have successfully completed the Industrial training of 18 months shall also be treated as qualified even if they have not completed the period of inplant training. But their appointments shall be treated as provisional and regularised only after completion of 6 months training. *Note.~2.* Persons already in service in the Department on the date of issue of these rules, holding a certificate secured after undergoing a course of 18 months in Draftsman's Civil training under the T.T.Scheme, College of Engineering, Thiruvananathpuram or at the Industrial Training Centre of the Ministry of Labour, Government of India, shall be deemed to possess an equivalent qualification. *Note.-3.* Diploma in Craftsmanship (Trade Test Certificate) the Trade of Draftsman (Civil) awarded to private Candidates without insisting on six months practical training will be treated as an alternative qualification for direct recruitment to the posts of Second Grade Overseer. (g)Pass in Surveying and Levelling (Higher), Kerala Government Technical Examination or Madras Govt. Technical Examination with any three of the following subjects : (1) Building Drawing and Estimating (Higher). (2) Building Materials and Construction (Higher) (3) Earthwork and Roadmaking (Higher) (4) Hydraulics and Irrigation (Higher). Any of the qualifications mentioned below :-(a) Draftsman's Course (Civil) Diploma of M.T.I. Thrissur, Second Grade Certificates Secured by Draftsman Civil Trainees under T.T.Scheme College of Engineering or under Industrial Training Centre conducted by the Ministry of Labour, Government of India after a course of 18 months.

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		OR Surveying and Levelling (Higher) Kerala Government Technical Examination or Madras Government Technical Examination with any two of the following subjects:- (1) Building Drawing and Estimatin (Higher) (2) Earthwork and roadmaking (Higher) (3) Geometrical Drawing (Higher) (4) Building Materials and Construction (Higher) and two years service as Tracer.
3. Third Grade Overseer	Direct Recruitment	1. S.S.L.C. or equivalent. 2. Must posses any one of the following :- (a) Draftsman (Civil) Diploma of M.T.I Trissur. (b)Lower Grade Drawing Group Certificate (Kerala Government Technical Examination or Madras Government Technical Examination), (c) Second Grade Certificates secured by Draftsman Civil Trainees under T.T. Scheme, College of Engineering or under Industrial Training Centre conducted by the Ministry of Labour, Government of India, after a course of 18 months. (d) Building Drawing and Estimating (Higher or Lower) Kerala Government Technical Examination or Madras Government Technical Examination and any two of the other Civil Engineering subjects under Kerala Government Technical Examination or Madras Government Technical Examination. (e) Diploma in Civil Engineering (2 years course) of the Women's Polytechnics of the State. (f) Class III Certificate of the College of Military Engineering.
		GROUP VI
1. Sanitary Inspector	Direct Recruitment	1. S.S.L.C. 2. Health Inspectors Certificate of any of the Medical Colleges in Kerala OR Sanitary Inspectors Certificate of the All India Institute of LOCAL SELF GOVERNMENT, Bombay. OR The Certificate in Sanitary inspectors Course awarded by the National Council for Rural Higher Education. OR Any other equivalent qualification.
2. Nurse	Direct Recruitment	1. S.S.L.C. or equivalent 2. Successful training for a period of not less than three years in General Sick Nursing. 3. In the case of women candidates successful training

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
		for not less than 9 months in Midwifery from an institution organised by State Government and in the case of male, successful completion of short term course in one or other of the Nursing subject of Venerology, Urology, Psychiatry and Ophthalmology conducted in a major hospital. 4. A Certificate of registration with Kerala Nurses and Midwives Council as Nurse and Mid-wife in the case of women candidates and certificate of registration as Nurse in the case of male candidate.
3. Pharmacist	Direct Recruitment	1. S.S.L.C. 2. Diploma in Pharmacy 3. Registration with the Kerala State Pharmacy Council.
4. Auxiliary Nurse-cum-Midwife	Direct Recruitment	1. S.S.L.C. or equivalent 2. Certificate from an institute recognised by the Indian Nursing Council. 3. Registration with the Kerala Nurses and Midwives Council.
5. Midwife	Direct Recruitment	1. S.S.L.C. or equivalent 2. Registration with the Kerala Nurses and Midwives Council.
6. Nursing Assistant	Direct Recruitment	S.S.L.C. or equivalent *Note:-* Candidates selected will have to undergo a pre-service training for 3 months before appointment.
		GROUP-VII
1. Tractor Driver	Promotion, appointment by transfer & direct recruitment	1. NTC in any of the following Trades (a) Mechanic (Tractor) (b) Mechanic (Motor Vehicle) (c)Mechanic (Diesel) (d) Fitter 2. Practical Experience of not less than one year in the trade. The practical experience should be the one acquired after the acquisition of the Trade Certificate. Proficiency in field work will be assessed in a practical test. 3. Must possess valid Tractor Driving Licence.
[10][2.Driver	Promotion/ appointment by	1. Literacy in Malayalam or Tamil or Kannada

10. Substituted by S.R.O. No. 192/98 dt. 24-2-98. Prior to the substitution it read as under:

2. Driver	Direct Recruitment	1. In the case of Driver (Heavy Duty Vehicles) (i) Literacy (ii) Must possess Motor Driving Licence of at least 3 years standing and Drivers' Badge. (iii)Proficiency in Driving Heavy Duty Vehicles (To be proved at a practical test). (iv)Must be physically fit as per the prescribed standards (to be proved by a Medical Certificate)

Category	*Method of appointment*	*Qualification*
(1)	(2)	(3)
	transfer/direct recruitment	2. Must posses a current Motor Driving Licence of least three years standing and Drivers Badge. 3. Proficiency in Driving Light Duty Vehicles (to be proved at a practical test conducted by the Public Service Commission). 4. Medical Fitness: (a) Ear: Hearing should be perfect. (b) Eye: Distant Vision-6/6 snellen Near Vision -0.5 snellen Colour Vision-Normal No Night Blindness. (c) Muscles and Joints : No Paralysis and all Joints with free movements. (d) Nervous system : Perfectly Normal. Free from any infectious diseases. (e) Medical fitness must be proved by a medical certificate obtained from a medical officer not below the rank of a Civil Surgeon. 2. In the case of Driver (Heavy Duty Vehicles) (i) Literacy "[(ii)Must possess Motor Driving Licence of at least 3 years standing with endorsement for Driving Heavy Passenger Vehicles and Heavy Goods Vehicles.] (iii)Proficiency in Driving Heavy Duty Vehicles (To be proved at a practical test). (iv) Must be physically fit as per the prescribed standards (to be proved by a Medical Certificate)

8. Probation.— Every person appointed to any of the posts under these rules shall from the date on which he joins duty, be on probation.

(a) If recruited direct or by transfer, for a total period of two years of duty within a continuous period of three years; and

(b) If appointed by promotion, for a total period of one year on duty within a continuous period of two years.

9. Special Qualifications.— (1) Every person in Categories (2) and (3) in Group I and in Categories (1), (2) and (3) in Group II shall pass, if he has not already passed, the following tests so as to become eligible for promotion to categories (1), (2) and (3) in Group I and Categories (1) and (2) in Group II, respectively.

1. Manual of Office Procedure
2. Account Test (Lower)
3. Panchayat Test.

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11. Item (ii) substituted by S-R.O. No. 192/98 dt. 24-2-98. Prior to the substitution item (ii) read as follows "(ii) Must possess Motor Driving Licence of at least 3 years standing with endorsement for Driving Heavy Passenger Vehicles and Heavy Goods Vehicles."

(2) Every person appointed to Category (3) in Group I and Category (3) in Group 11 shall with in the period of probation pass the test in Manual of Office Procedure, if he has not already passed the test.

10. **Application of the Kerala State and Subordinate Service Rules, 1958 and the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.-** The provisions of the Kerala State and Subordinate Service Rules, 1958 and the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960, as may be in force from time to time, shall apply to the employees under these rules :

Provided that for the imposition of minor penalties by the Panchayats on the employees to whom Sections 179, 180 and 181 of the Kerala Panchayat Raj Act, 1994 apply, the Panchayats shall follow the procedure laid down in the rules that may be made by the Government under the Kerala Panchayat Raj Act, 1994.

11. **Application of the Kerala Service Rules.-** The provisions contained in Parts I and 11 of the Kerala Service Rules, as amended from time to time shall mutatis mutandis apply to the employees under these rules.

12. **Application of the Government Servants Conduct Rules.-The** provisions of Kerala Government Servant's Conduct Rules, 1960, as amended from time to time, shall apply to the employees under these rules.

13. **Procedure for selection of candidates by direct recruitment.-** The procedure for invitation of application, selection of candidates and such other matters connected therewith shall be governed by the rules or regulations in force in this regard.

EXPLANATORY NOTE

(This does not form part of the notification, but is intended to indicate as general purport)

As per G.O. (Ms) No.84/77/LA/SWD dated 23-3-1977 Government issued Special Rules in respect of the regular full-time employees of the Panchayats other than the Executive Officer and those paid from contingencies. It is provided in the Kerala Panchayat Raj Act that the Government shall by rules made under the Kerala Public Services Act, 1968 regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and servants, other than contingent employees, and such rules may provide for the constitution of any class of officers or servants of Panchayats, into a separate service either for the whole State or for each Revenue district. It has been decided that the employees belonging to the Panchayat Common Service (except contingent employees) and those of the Panchayat Department including Executive Officers shall be constituted into a single service, namely the Kerala Panchayats Subordinate Service and to frame the special Rules therefor, in supersession of all the existing service rules relating to the employees of the Panchayat and the Panchayat Departmental employees. This Notification is intended to achieve the above object.

THE CONSTITUTION OF
(SEVENTY-THIRD) AMENDMENT ACT

THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

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ELEVENTH SCHEDULE

STATEMENT OF OBJECTS AND REASONS

THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992*

[20th April 1993]

An Act further to amend the Constitution of India

Be it enacted by parliament in the forty-third year of Republic of India as follows:-

1. Short title and commencement. — (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

(2) It shall come into force on such date** as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IX. — After Part VIII of the Constitution the following Part shall be *inserted*, namely :-

PART IX

THE PANCHAYATS

243. Definitions. — In this Part, unless the context otherwise requires,-

(a) district means a district in a State;

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "intermediate level" means a level between the village and district level specified by the Governor of a State by public notification to be intermediate level for the purposes of this Part;

(d)" Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha. — A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide.

243B. Constitution of Panchayats. —There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. Composition of Panchayats. —(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation-

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

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*Received the assent of the President on 20-4-1993 and published in Gazette of India Extra; Part II, section 1 dated 20-4-1993

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within-

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of-

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats. —(1) Seats shall be reserved for-

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats etc.— (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1)

(3) An election to constitute a Panchayat shall be completed-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. Disqualifications for membership. — (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Powers, authority and responsibilities of Panchayats. — Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. Powers to impose taxes by, and Funds of, the Panchayats. -The Legislature of a State may, by law, -

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the StateGovernment for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-1. Constitution of Finance Commission to review financial position. — (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriate by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. Audit of accounts of Panchayats. — The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. Elections to the Panchayats. — (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. Application to Union territories. — The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas. —(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to-

(a) the State of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part-

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution,-

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243N. Continuance of existing laws and Panchayats. —Notwithstanding anything in this Part, any provision of any law-relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243-O. Bar to interference by Courts in electoral matters. — Notwithstanding anything in this Constitution, -

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243 K, shall not be called in question in any Court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a

State.

3. Amendment of article 280. — In clause (3) of article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely: -

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;".

4. Addition of Eleventh Schedule. — After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely: -

ELEVENTH SCHEDULE

(Article 243 G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Market and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

STATEMENT OF OBJECTS AND REASONS *

The Statement of Objects and Reasons accompanying the Constitution Amendment Bill was as follows: -

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* Published in Gazette of India (Ex) No. 38 dt 16-9-1991, Part II, Section 2.

1. Though the Panchayat Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged supersessions, insufficient representation of weaker section like Scheduled Cast, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.

2. Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the constitution certain basic and essential features of Panchayat Raj Institutions to impart certainty, continuity and strength to them.

3. Accordingly, it is proposed to add a new part relating to Panchayats in the constitution to provide for, among other things, Gram Sabha in a village or group of villages; constitution of Panchayats at the village and intermediate level, if any, and the offices of Chairpersons of Panchayats at such levels; reservation of seats for Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for woman; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; disqualification for membership of Panchayats; devolution by the State Legislature of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic development and social justice and for the implementation of development schemes; sound finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State, as also assignment to, or appropriation by, the Panchayats of the revenues of designated taxes, duties, tolls and fees; setting up of a Finance commission within one year of the proposed amendment and thereafter every 5 years to review the financial position of Panchayats; auditing of accounts of the Panchayats; powers of the State Legislatures to make provisions with respect to election to Panchayats under the superintendence, direction and control of the chief electoral officer of the state; application of the provision of the said part to Union territories; excluding certain States and areas from the application of the provisions of the said part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by Courts in electoral matters relating to Panchayats.

4. The Bill seeks to achieve the aforesaid objectives.

GUIDELINES FOR THE PREPARTION OF TENTH FIVE YEAR PLAN BY LOCAL GOVERNMENT

GUIDELINES FOR THE PREPARATION OF TENTH FIVE YEAR PLAN BY LOCAL GOVERNMENTS

Background

Objectives

Resource use

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GUIDELINES FOR THE PREPARATION OF THE TENTH FIVE-YEAR PLAN BY LOCAL GOVERNMENTS

(G.O.(MS)No. 20/2002/Plg. Dtd 6th June 2002)

1. BACKGROUND

1.1 Democratic decentralisation in Kerala is almost seven years old. During the Ninth Five Year Plan 30.5% of the Plan resources were devolved to local governments in a practically untied form with considerable freedom subject to guidelines to decide local priorities, prepare development projects in accordance with these priorities and implement them. Participatory planning was carried out on a campaign mode in the form of People's Plan Campaign. Now the time is ripe for institutionalizing decentralised planning and development by building on the positive features, upgrading and replicating successes, avoiding the mistakes, addressing the needs and concerns and making use of the opportunities thrown up by the process so that effective and efficient local governments accessible and responsive to people emerge.

1.2 Hitherto local governments have been preparing annual plans. Now that they have gained experience in preparing plans for local development, it has been decided to switch over to five year planning from the current year onwards and this would coincide with the Tenth Five Year Plan. Government have set apart one-third of the Plan resources totaling about Rs.8000 crores for decentralised planning and implementation through local governments during the Tenth Plan period. These Guidelines are issued to assist local governments in the preparation and implementation of local plans during the Tenth Plan period, using freedom within the framework of responsibilities transferred to them and accountability.

2. OBJECTIVES

2.1 During the Ninth Five Year Plan local governments have performed fairly well in providing minimum needs infrastructure. In the Tenth Plan the core objectives of decentralised planning are:-

(1) Promote local economic development by increasing production and productivity of agriculture and allied sectors and the traditional and small-scale industries with focus on employment generation and poverty reduction.

(2) Focus on Natural Resource Management and integrated area development.

(3) Upgrade the quality of basic services provided by the local governments with special emphasis on health, education, water supply, sanitation including solid waste management and care of the disabled.

(4) Improve governance particularly with reference to responsiveness, transparency, people's participation and management.

(5) Achieve improved efficiency of resource use.

2.2 In the process of realizing these objectives the local governments are expected to play a proactive catalytic role by inducing synergies between various stakeholders in local development and enabling solutions to emerge through self-help and joint community action with public funds being spent only for the most critical purposes. Thus the Plan has to be much larger than the investment of public resources and much wider than the activity of local governments alone.

3. RESOURCE USE

3.1 As the State is passing through a difficult financial situation it is the duty of every local government to ensure maximum efficiency in resource use. While preparing plans the local governments have to be extremely sensitive about the cost of funds which they are using. Though the Plan funds are given as grant-in-aid to local governments it should be noted that about 80 % of the funds are borrowed and the cost of borrowing works out to around 11 % per annum. This implies that when investment decisions are taken sufficient care must be taken to ensure that, on the whole, there should be adequate returns to the economy over a period of time which would facilitate not only repayment of the loans but also generate enough resources for smooth maintenance of the assets and higher future investment. Local governments should be conscious of the cost of resources and their scarcity while taking any spending decision.

3.2 Though local governments get substantially enhanced grants, the resources available are insufficient to meet the demands of local development. Hence there is need for additional resource mobilization locally. This can be through improved tax effort particularly by using service tax and development cess by Village Panchayats and Municipalities/Corporations to finance development projects, mobilization of non-tax revenues particularly user charges from those who have the capacity to pay, attracting individual and community contribution as a share of development projects and by facilitating community investment for development purposes.

3.3 During the Ninth Plan the local governments were not able to attract institutional finance from banks. In order to complement government resources, it is absolutely essential to tap loans from banks. Banks normally lend based on the viability of a project and the creditworthiness of the borrower. Local governments should be strongly involved in identification of viable activities and in enhancing the creditworthiness of the beneficiaries by providing the capacity required of the beneficiary to manage the loan. Also, special efforts are needed to facilitate direct borrowing by people through interventions like improving irrigation, bringing in electricity supply, support to value additions to produce, improvement in marketing facilities etc.

4. PLANNING PERSPECTIVE

4.1 It is necessary for every local government to develop a strategic vision of development which is both sectoral and cross-sectoral. It is this vision, to be realised in a reasonable time frame, that should guide the preparation of the Five Year Plan. While preparing the Plan a conscious effort is required to avoid thin spread of resources, to stop wasteful expenditure, to reduce unproductive investments and to be very careful about investments which would increase future operation and maintenance costs beyond the capacity of the local governments. Every investment decision should carefully weigh the opportunity cost of using that quantum of funds; that is, if the resource can be used more efficiently and effectively for some other purpose, then it should be so done. When the vision of development is translated into a Five Year Plan there should be clear monitorable targets, which are set out clearly and regularly verified.

4.2 The following general priorities are suggested:

(a) Local economic development to generate more jobs needs to be consciously attempted. It calls for focus on increasing agricultural productivity and value addition through post harvest processing. Paddy production has to be given top priority. Waste/fallow land development and fodder development also require particular attention. Successful farmers may be identified and used as resource persons for extending their farming systems methodology to other farmers.

(b) Rehabilitation of existing assets may be given priority to ensure their optimum utilization. These assets would include markets, schools, hospitals, water supply systems, minor irrigation systems where actual provision of water is there and equipment in public institutions. All local governments should focus on assets transferred to them for upgradation or rehabilitation. As these assets have been transferred to them no other fund would be available in the State budget. It is of paramount importance that the infrastructure, which the State has built up over the last several years, is not allowed to deteriorate.

(c) Also upgradation of traditional industries and promotion of micro enterprises for the poor are to be given special priority. The District Panchayats and larger Municipalities

and Corporations should proactively facilitate private investment particularly for generation of jobs. They should do this by holding investors' meet and removing bottlenecks due to infrastructure deficiencies, simplify procedures, raw material supply (wherever it is within the capability of local governments), sorting out labour problems, training of people below poverty line for equipping them to get placement etc. Similarly these local governments should tie up with organisations like Kudumbashree, NABARD, Lead Bank, IIM Kozhikode and take up focused programmes of entrepreneurship development ranging from identification of entrepreneurs, training them and providing support services for setting up units.

(d) All anti-poverty programmes should be as far as possible on the Kudumbashree mode. Providing house sites and houses to the absolutely landless has to be given high priority.

(e) As far as training programmes are concerned they should be for people below poverty line. Only those programmes which result in a self-employment venture or which have an assured job market for wage employment should be taken up. As far as computer training courses are concerned only accredited courses as approved by Government should be chosen.

(f) All agriculture and allied sectors and water use would be planned on a watershed basis in an integrated manner. For watershed treatment, preference should be given to natural, agrostological measures and appropriate technologies like use of geo textiles. Village Panchayats should take steps to complete Panchayat Resource Mapping and set apart the funds needed for it.

(g) Only irrigation schemes, which are demand-driven and where actual provision of water is intended, should be taken up in the productive sector except in the case of bunds in the padasekharams of Kuttanad and Kole lands of Thrissur and Malappuram. All other structures, side protection works and crossbar cum bridges would be classified as infrastructure.

(h) Municipalities and Corporations must give priority to detailed town planning schemes that have already been sanctioned, and also give special emphasis to solid waste management, water supply, upgradation of traditional markets and slum development including rehabilitation of poramboke dwellers.

4.3 In order to avoid thin spread of resources the following guidelines are given.

(a) As far as roads are concerned the District Panchayat should first take up only the Village roads and Other District Roads (ODRs) as classified by the PWD. Only then new roads linking more than one Block Panchayat having at least eight meters width should be taken up. In the case of roads within Scheduled Caste habitats taken up under SCP or within Tribal habitats, the minimum width is relaxable to six metres if the District Planning Committee (DPC) is convinced that land is not available. Only Village Panchayats, Municipalities and Corporations may undertake construction of roads of less than six metres width. Block Panchayats shall confine themselves to link roads connecting two Village Panchayats or opening up new areas, with minimum width of eight meters relaxable by DPC to six metres within SC/ST habitats and coastal areas.

(b) In the case of irrigation also the investment should be according to the provisions of the IIIrd, IVth and Vth Schedules of the Kerala Panchayat Raj Act and the Ist Schedule of the Kerala Municipality Act.

(c) Only Village Panchayats, Municipalities and Corporations need undertake individual beneficiary oriented asset distribution programmes, but Block and District Panchayats can take up distribution of house sites through Village Panchayats. In Total Sanitation Districts, the District and Block Panchayats may also share the subsidy given to households and other items according to norms to be decided by the DPC. A decision may be taken by DPC on this.

(d) Block Panchayats and District Panchayats need undertake only comprehensive area development programmes with reference to habitats in Special Component Plan and promotion of Scheduled Caste development institutions like hostels.

(e) District Panchayats may not take up projects costing less than Rs. 5 lakhs, except in the case of repairs and addition to or purchase of equipment for assets transferred to them.

5. SECTORAL ALLOCATION

5.1 The sectoral ceilings would be as follows for the General sector and Eleventh Finance Commission (EFC) grant taken together:

(a) Productive Sector (*Minimum*)

	Ceiling (%)
Village Panchayat	30
Block Panchayat	30
District Panchayat	25
Urban Local Governments	10

(b) Infrastructure Sector (Maximum)

	Ceiling (%)
Village Panchayat	30
Block Panchayat	30
District Panchayat	30
Urban Local Governments	50

5.2 By productive sector is meant agriculture, animal husbandry, dairy development, fisheries integrated watershed management including soil and water harvesting, traditional industries, production of electricity through stand alone projects and construction activities related to fish markets, and other traditional markets, manufacturing of manure from solid waste can also be included under this component.

5.3 After finalizing the components of the Plan, those projects which are eligible to be taken up under the EFC grant should be classified as a distinct component of the total plan and monitored separately. The projects for which EFC grants can be used are those which relate to primary education, primary health care, drinking water supply, extension of street lighting, sanitation including sold and liquid waste management, setting up of cremation

and burial grounds, creation of public facilities, protection and upgradation of common property resources.

5.4 Upto 10% of the General Sector and EFC allocation could be spent for renovation/rehabilitation of hospitals, schools and water supply schemes and minor irrigation schemes where actual provision of water is involved. The Women Component Plan should get at least 10% of the total Plan size. In addition 5% has to be set apart for children, disabled and the aged. Feeding of Anganwadis cannot be done under this component. However the funds required for feeding in Anganwadis could be first set apart and then only various sectoral and mandatory allocations be made; the ceiling/minimum is to be achieved on the remaining amount only. In the districts where special Drinking Water Supply and Total Sanitation projects are under implementation, the Village Panchayat concerned can meet additional funds required by taking equal amounts from the three sectors. In such districts contributions can also be given by District Panchayats and Block Panchayats, as a share of the total project cost and this may be determined by the DPC.

5.5 In the case of SCP not more than 30% can be spent on infrastructure by any Local Government.

5.6 Adequate funds to ensure uninterrupted feeding according to the prescribed standards should be earmarked by the Urban Local Governments in urban areas and Village Panchayats and Block Panchayats in rural areas in the ratio 2:1. Also the World Bank Project for construction of Anganwadis, the required contribution from Village Panchayats has to be mandatorily set apart. District and Block Panchayats can contribute to this as decided by the DPC. Preference may be given to the construction of baby-friendly toilets in Anganwadis.

5.7 In the case of Sarva Siksha Abhiyan (SSA) the local government concerned should meet its share of the scheme, which would be 25% for the current plan period. In the case of Indira Awas Yojana Block Panchayats have to meet the gap required to increase the cost up to Rs.35,000 (Rs.42,000 in the case of Scheduled Tribes).

5.8 Municipalities and Corporations have to spend at least 10% of their total allocation on slum development, which would also include resettlement of poromboke dwellers.

5.9 The NSDP, SJSRY and VAMBAY plans and other anti-poverty projects would be initiated at the level of the Neighbourhood Group (NHG) in Municipalities and Corporations. These

plans would be consolidated at the ward level by the Area Development Society (ADS) and further integrated at the Municipal/Corporation level by the Community Development Society (CDS) and forwarded to the relevant Working Groups on poverty reduction, SC/ST Development and Women & Child Development who will incorporate them with the overall plans. The priorities fixed by the ADS and CDS in SJSRY, NSDP and VAMBAY can be changed only with the prior approval of ADS/CDS.

5.10 If in the Annual 2001-2002, there had been any downward deviation from the minimum share of the sectoral investment indicated for the productive sector or upward deviation from the ceiling indicated for the infrastructural sector or if any such deviation for the previous year has not yet been fully compensated for, an equivalent amount of compensatory provision must be made in the Annual Plan 2002-2003. Similarly any such shortfall in the SCP and Women Component Plan allocations should also be compensated.

6. PREPARATORY PHASE

6.1 Step 1 – Constitution of Working Groups

6.1.1 Working groups should be constituted by the local governments for different sectors/ areas of development. Working groups are mandatory for the following areas:

(1) Agriculture and allied sectors including irrigation and agro processing.

(2) Local economic development other than agriculture including local industries, facilitation of private and community investment.

(3) Poverty reduction and social security including care of the aged and disabled.

(4) Development of Scheduled Castes/Scheduled Tribes

(5) Development of women and children

(6) Health, Water supply and sanitation

(7) Education

(8) Infrastructure

6.1.2 Each Working Group should be headed by an elected member and the Working Group on SC/ST should be headed by an SC/ST member and the Working Group on Women and Children by a lady member. The Convenor of the Working Group should be the senior most official transferred to the local government in that sector. A known expert in the sector should be nominated as the Vice Chairman of the Working Group. Each Working Group should have at least four more members of which two shall be women. The members should be drawn from among professionals, NGOs, representatives of interest groups, representatives of Bankers as approved by the District Collector, successful practitioners like farmers, entrepreneurs and SC Promoters. At least one member of the Kudumbashree CDS should be included in all the Working Groups and in the case of Working Groups on Poverty Reduction, Development of Women and Children and Development of Scheduled Castes/Scheduled Tribes at least two members of the CDS have to be included. SC Promoters should be nominated to all Groups and atleast three of them to the Group on Development of Scheduled Castes/Scheduled Tribes. The local governments should ensure that only those who are capable and those who have the capacity to participate actively and contribute ideas should be nominated.

6.1.3 The Working Group should meet as frequently as possible and keep a brief record of its deliberations. The quorum for the meetings shall be four including the mandatory presence of the Convener. The functions of the Working Groups would be the following:

(1) Analysis of the development sector(s)/area(s) assigned to it.

(2) Evaluation of the performance during the last five years.

(3) Identification of existing problems, gaps, needs, possibilities.

(4) Generation of a shared vision on the development of the sector(s)/area(s).

(5) Suggesting an action plan to realize the vision with priorities and reasons for the priority.

(6) Preparation of draft projects to implement the action plan.

(7) Identification of spillover projects.

(8) Updation of development reports.

(9) Monitoring of projects every quarter.

(10) Any other task assigned by the DPC or local government.

6.2 Step 2 - Stock-taking of the Ninth Plan

6.2.1 A detailed exercise shall be initiated through the Working Group to take stock of the Ninth Plan with special reference to the following:

(a) Identification of spillover works which would need funds from the Tenth Plan.

(b) Identification of works left incomplete by the Beneficiary Committee or Contractor or Beneficiary and preparation of a report on the action taken.

(c) Listing out of deposit works with various agencies with the present status of each work.

(d) Listing out of projects implemented through co-operatives and the status of such projects.

(e) Description of charitable societies created under Plan and their present status including the existing management.

(f) Verification of assets created during the Ninth Plan including assets given to individuals. This should be done by committees set up by local governments, consisting of officials and other members of the Working Group. Every Committee should invariably have an official and the verification should be attested by the Committee members including the concerned official. Arrangements would be made

by Government for random re-verification by independent agencies. SC promoters should be fully involved in verification of assets created under SCP.

(g) A quick evaluation of the Ninth Plan with reference to physical and financial targets and achievements, tangible benefits generated, additional resources expected and mobilized, timeliness of completion, the present state of upkeep of assets etc. The evaluation should be done by the Working Groups.

6.3 Step 3 - Updation of Development Report

The various chapters of the development report should be distributed among the Working Groups and the chapters thoroughly revised and updated with the latest data available. The new report should have two parts. The first part should contain the evaluation of the Ninth Plan with reference to the stock taking mentioned earlier and the second part should be the updated chapters. Each chapter should invariably give the status of the sector with reference to data, the key issues and challenges, especially gaps and shortcomings and suggest a broad vision of development in that sector and the strategies required to attain that vision. How people can come together to tackle the development challenges needs to be clearly stated in each chapter.

6.4 Step 4 - Revision of the District Plan

6.4.1 The District Plans which were prepared by the DPC in the year 2000 need to be revised so as to reflect the current development situation for the district. The following steps may be taken.

(a) Technical Advisory Committees (TACs) may be constituted by DPC at the District Level with District Collector as Chairman and experts from Professional Colleges, experts from Academic Institutions, experts from Public/Private Sector Organizations, experts from NGOs, experts from among retired personnel and practitioners and bankers as members. District Planning Officer (DPO) would be the Convener and Secretary. Sectoral Sub-Committees of the Technical Advisory Committee may be constituted and given the task of studying different chapters of the District Plan as well as the Potential Linked Credit Plan prepared by NABARD.

(b) A Core Committee may be constituted from among TAC members to prepare a draft strategic vision document covering different development sectors as

well as cross-sectoral areas with inter-sectoral priorities as well as specific thematic priorities relevant to the district.

(c) The DPC may discuss the draft vision with the following groups of people:

(i) Elected heads of local governments and district level officers
(ii) Professionals and academicians
(iii) NGOs, Practitioners, CDS representatives
(iv) Bankers

(d) Thereafter modifications can be made.

(e) The Sectoral Sub-Committees of the TAC should then revise the chapters of the District Plan according to the Vision Document. The DPC could then meet and finalise the general District Plan and send them out to all local governments.

6.5 Step 5 - Establishing linkage with banks

It is necessary to forge a strong linkage with credit institutions - nationalized banks, scheduled banks and co-operative banks. The District Collector should hold a special meeting of the District Level Bankers' Committee (DLBC) in which the DPC Chairperson, and heads of urban local governments should specially be invited. They should discuss threadbare the possibilities of linking bank loans to local government plans particularly for individuals and groups as well as operationalisation of the Potential Linked Credit Plan. Similar meetings of Block Level Bankers' Committee (BLBC) may be held in which the Presidents of Village Panchayats, and Block Panchayats are also invited.

7. PLANNING PHASE

7.1 Step 1 - Preparation of Working Group Reports

7.1.1 The Working Groups set up should meet regularly and discuss issues related to the development sector assigned to that Working Group. The Convener of the Working Group shall prepare a detailed note for discussion in the working group and circulate it among the members in the first meeting. A copy of the note should be retained by the Convener and another copy sent to the district level officer. The draft note of the Convener should contain the following points.

(a) Status of the sector with relevant data.
(b) Issues affecting the sector
(c) Past efforts to address the issues, indicating the successes and failures
(d) Suggested strategies for the Tenth Plan
(e) Suggested priorities with justification
(f) Action plan for implementing the strategies.
(g) Resources requirements and possible sources.

7.1.2 The Working Group should hold detailed consultations with various stakeholders in that sector and produce draft proposals clearly indicating the priorities and giving the reasons for prioritization. While preparing the reports, the Working Groups should follow the general guidelines indicated earlier. The sector-wise guidelines are given below:

(a) Agriculture and allied sectors

(i) The plan should be based on the watershed approach. It should be ensured that, instead of proposing different sectoral schemes within a watershed area in a mechanical way, the watershed processes need to be identified and a logical sequence of development interventions arrived at. Only schemes appropriate to a particular stage of watershed management should be taken up at that stage. This applies to soil protection, water conservation/recharging, bio-mass production with the appropriate changes in cropping pattern and cropping intensity, addition of livestock in keeping with increased availability of bio-mass, utilization of surplus water etc.

(ii) During the Ninth Plan preliminary steps for preparation of block level watershed master plans had been taken. The delineation of all micro watersheds each covering an area of around 500 hectares and the preparation of block level appraisal reports have been completed. The work to be done immediately include: –

(1) Delineation of watershed boundaries on 1: 4000 scale maps
(2) Preparation of development reports for each micro watershed
(3) Preparation of action plan for each micro watershed.

These have to be completed before finalization of the Annual Plan 2002-03 by local governments. Thereafter all these have to be integrated into block level master plan for watershed development.

(iii) In all Village Panchayats where Panchayat Resource Maps are ready, they should be used for planning purposes.

(iv) As no money has been provided for Minor Irrigation in the State Plan, local governments have to give special importance to this sector. While new schemes could come up linked to watershed development, priority has to be accorded for rehabilitation of existing schemes which would result in increased water availability for agriculture.

(v) The District Panchayats should prepare clear five year development plans for the agriculture and animal husbandry farms which have been transferred to them. What is required is a revolving fund approach so that the flow back from such investment can sustain future investments.

(b) Poverty Reduction

(i) A total list of the poor based on existing data on below poverty line population needs to be prepared. The poor are to be organized into Neighbourhood Groups, Area Development Societies and Community Development Societies under Kudumbashree. Thereafter, using the poverty index the poor should be classified according to severity of poverty. A bottom up planning exercise is to be initiated with the NHGs preparing development plans for the families and the ADSs preparing plans for the Ward, CDSs should integrate these plans into an anti-poverty sub plan for local governments. The plan should focus on the poorest of the poor and destitutes, the disabled, the children and the aged, and other sections of society whom development has bypassed.

(ii) As part of anti-poverty sub-plan, provision of minimum needs infrastructure for BPL families is to be taken up in a planned manner. A number of BPL families not having house plots, houses, sanitary latrines, electricity and communication may be identified and a phased programme prepared to provide them. This needs to be stated with clear physical targets in the plan.

(iii) The Antyodaya approach of poorest being selected first, needs to be followed based on clear criteria of prioritization which should be published in advance as part of the plan.

(c) Special Component Plan (SCP)

(i) Same procedure prescribed for Poverty reduction is to be followed. The SC Promoters should be fully involved in the process. In addition the Working Group should identify programme for providing minimum needs infrastructure to families and the community namely, house plots, houses, sanitary latrines, electricity, water supply and connectivity. Special emphasis is to be given on improving performance in education and access to health services. Also skill upgradation resulting in self employment or wage employment is to be aimed at.

(ii) Though Tribal Sub Plan funds are not directly routed through local governments, as the tribals constitute the poorest of the poor, the local governments are advised to use a portion of their general sector funds for the benefit of the Scheduled Tribes involving ST promoters and Oorukoottams. In order to facilitate this a weightage of 5% has been given to tribal population while distributing funds in the general sector. In case local governments have unspent balance under TSP from the Ninth Plan they have to spend the funds for the exclusive benefit of STs.

(d) Plan for women, and special groups consisting of children, aged and the disabled

This may be prepared in two sections – one for women and the other for the remaining three special groups. Their specific problems may be identified and addressed through projects. Only schemes directly benefiting the groups with preference for people below poverty line may be taken up. Construction of Anganwadis and noon-feeding can not be included in this plan. However, providing teaching aids, baby-friendly toilets and playthings in Anganwadis could be included. Special facilities for the aged and disabled in public places and aids to the disables can be provided by this component.

(e) Integrated Child Development Scheme (ICDS)

The gaps in infrastructure and equipment available in the Anganwadi network may be identified and filled up in a phased manner. The quality of nutrition and pre-primary education may be enhanced.

(f) Health

In the health sector a comprehensive assessment of health needs has to be made and a plan prepared to improve the quality of health services to the people. This plan would require more of management measures than investment. In the case of health infrastructure the existing level and the minimum required standard need be noted and the gap filled in a phased manner according to resource availability and the priority assigned by the local governments. This fact should be clearly stated in the plan document of the local governments and revealed in the Grama Sabhas/Ward Sabhas and other fora.

(g) Education

(i) The same process as in the health sector may be followed. The focus should be on improving quality of education. Monitorable targets like attainment of minimum levels of learning and improved performance in SSLC examination need to be developed.

(iii) Community based remedial coaching through the CDS system may be tried out in the case of students below poverty line in co-ordination with Kudumbashree.

(iii)As part of education, development of sports is also to be taken up.

(h) Roads

A road map may be prepared showing the roads under the control of the particular local government according to their type. The roads taken up for development during the last five years may be noted in the road map with a specific colour. Norms for prioritization of roads may be discussed and based on the norms a road development plan may be prepared. The year-wise development plan may be noted on the map in different colours for each of the next five years.

(i) Electricity

The same process as above may be followed. Before finalizing the plan the opinion of the local Electricity Board office on the feasibility of the plan especially in relation to availability of power may be obtained.

(j) Water Supply

A map of the local government may be prepared showing availability of safe drinking water with separate demarcation of areas with full coverage, partial coverage and nil coverage. A plan for total coverage showing phases needs to be prepared. Also a plan for taking over of single-Village Panchayat rural water supply schemes from KWA by the Village Panchayat concerned has to be got ready.

(k) Solid Waste Management

A similar process as above may be followed.

7.1.3 The reports of the working group should contain the following chapters.

(1) Description of the sector with data
(2) Development efforts during the Ninth Plan
(3) Successes and failures including physical and financial achievements
(4) Existing problems, gaps, needs, possibilities.
(5) Strategies for addressing them.
(6) Draft project proposals including criteria for identification of location, identification of beneficiaries and prioritization of eligible beneficiaries.
(7) Resource requirements and sources including possible contribution from the people.

7.1.4 These reports should be considered by the local governments and adopted for discussion in Grama Sabhas/Ward Sabhas and other fora.

7.2 Step 2 - Meeting of Grama Sabha/Ward Sabha

7.2.1 It is necessary to increase the attendance in Grama Sabhas to at least 25% and Ward Sabhas to at least 20%. It is important that every socio economic section is properly represented. The following steps are suggested to be carried out on a campaign mode.

(a) Determination of dates in advance by the local governments.
(b) Printing of invitation notices and distributing them with each notice summarising the responsibilities of Grama Sabha/Ward Sabha in Plan formulation.
(c) Display of fixed notices in public places

(d) Contact of 'interest' groups through officers and elected members.

(e) Information through representative organisations.

(f) Special publicity through schools, anganwadis and co-operatives.

(g) Special efforts through NGOs, libraries, and co-operatives.

(h) Mobilization through SHGs/NHGs/SC/ST promoters.

(i) House visits through squad work.

(j) Campaign through National Service Scheme volunteers, NCC cadets and College students on social work placement.

7.2.2 Each Grama Sabha/Ward Sabha should have two facilitators one male and one female identified unanimously from among the Working Group Members by the concerned local government. These facilitators are to be trained at the Block/Municipal levels.

7.2.3 As soon as the Working Group reports are ready, the Grama Sabha/Ward Sabha shall meet. The meetings would be structured as follows:

(a) A plenary session of about half an hour in which the role of Grama Sabha/Ward Sabha in plan preparation is clearly explained by the facilitators, a general review of the Ninth Plan made and the objectives of the Tenth Plan stated and discussed. The draft proposals of the working groups would be printed and circulated in the meeting along with the review of the ninth plan and annual accounts for 2001-2002.

(b) After the plenary session break out groups may be formed to cover as many sectors as possible. Groups to cover the sectors for which Working Groups are constituted should mandatorily be there. The group should discuss the Working Group suggestions in detail after presentation by a member of the Working Group who will record the discussions. The tackling of development issues by the people and by the local government has to be clearly discussed and a consensus arrived at. The Grama Sabha/Ward Sabha sub-groups should come out with norms for prioritization among sectors and within sectors and applying the norms, fix the priorities.

(c) Then there could be a closing plenary session where the minutes of the break out groups are summed up. This could be done by the facilitators. A general consensus on priorities may be arrived at and recorded.

7.2.4 The following records shall be meticulously kept and obtained and maintained by the Secretary of the local government.

(a) Photographs

(b) Attendance register showing details like House No., address, age, whether male or female, whether belonging to SC, whether belonging to ST, occupation etc.

(c) Record of discussions of breakout groups

(d) Recommendations of the Grama Sabha/Ward Sabha as a whole.

7.2.5 Special procedure for Block Panchayats and District Panchayats

The Block Panchayats should hold a meeting of all elected local government members of the three tiers of Panchayat from within its jurisdiction and carry out a detailed consultation exercise as above. In the case of District Panchayats a meeting of all Village Panchayat Presidents, all elected members of the District and Block Panchayats may be held and a similar exercise may be undertaken. The procedures followed for Grama Sabha/Ward Sabha meetings would mutatis mutandis apply to these consultations.

7.3 Step 3 - Strategy setting

7.3.1 The local government should consider the suggestions coming from the Grama Sabha/Ward Sabha along with the Working Group reports and finalise the draft document for discussion which sets out clearly its vision for the development of the area, priorities and the strategies which it intends to follow and the suggested projects and produce a deep discussion. Then as the next step the local government should hold a series of group consultations with key stakeholders like farmers, traders, industrialists, the labour, the poor and the academics and professionals on the basis of the deep discussion document. Thereafter a one day Development Seminar should be held which is attended by all elected members, transferred officers and other members of the Working Groups, two representatives each of Grama Sabha in the case of Village Panchayat (one male and one female), representatives of important groups of stakeholders, experts in development and representatives of DLBC or BLBC, as the case may be. The draft plan would be printed and circulated for discussion. This should be a one-day meeting and it should finalize the vision, priorities, strategies and suggest development projects.

7.3.2 The methodology for conducting the development seminar would be the same as that for Grama Sabha/Ward Sabha. There will be plenary session in which the draft Vision and the draft Plan are explained. Thereafter breakout groups at least for the sectors for which Working Groups are there would go into detailed discussion and the plenary session shall integrate the recommendations. The following records of the development seminar are to be maintained.

(a) Photographs

(b) Attendance Register showing details like house No., address, age, whether male or female, whether belonging to SC, whether belonging to ST, occupation etc.

(c) Record of discussions of breakout groups

(d) Recommendations of the Seminar.

7.4 Step 4 - Projectization

7.4.1 Based on the suggestions of the Grama Sabha/Ward Sabha, consultation with stakeholders and the development seminar, the Working Groups would revise the development projects. Approximate total fund available for sector/sub-sector would be divided by the local government and indicated to the Working Groups. Certain general points need be followed:

(a) Special Component Plan

(i) The projects that are included in SCP should be such that they would directly benefit the members of SC community. Notional flow of benefits to SCP is not permissible. The provision under SCP should not be diverted even for schemes benefiting tribals. The District Level Committee for SC Development shall have the power to monitor the implementation of the schemes by local bodies.

(ii) Under SCP two categories of schemes are to be differentiated: The first category consists of beneficiary oriented schemes which may cover individuals (eg. Self-employment) families (eg. House, land) or groups (eg. Development of Women and Children in Urban Areas (DWCUA). In such cases all the beneficiaries should belong to the SCs, and unless exempted, should be from below poverty line.

(iii) The second category of schemes would be infrastructure development schemes in which case the majority of the beneficiaries should belong to the Scheduled Caste. While taking up community activities and infrastructure development works, it should be ensured that 51% of the beneficiaries are people belonging to the Scheduled Castes. SCP funds should not be used for meeting regular establishment costs or payment of salary. In the case of area development schemes like watershed management, irrigation etc., the number of families should not be the criteria. More than 50% of the area benefited should belong to the SCs. All proposals for infrastructure should contain a social map showing the households benefited with SC households being marked separately, and certificate from an official or an

authorised sub-committee formed by the local government that the schemes are in accordance with the guidelines and that the majority of its beneficiaries are SCs.

(iv) The schemes not benefiting SCs, should not be taken up utilizing provision under SCP. If it is found that schemes not benefiting SCs as per the guidelines have been taken up, the person or group responsible for certifying the scheme will be liable for being charged with mis-utilisation of funds and the person or group is liable to make good the amount so misutilised.

(b) Women Component Plan

The Women Component Plan should focus on the gender needs of women especially those below poverty line. The CDS system and other women groups and NGOs actively involved in the formulation of the Women Component Plan. Setting up of micro enterprises of women and providing minimum needs assets to widow headed families can be taken up under this component. Revolving fund to CDS linked to their thrift is also possible. Local governments may take up detailed studies on the status of women within their area under this component.

(c) Subsidy norms

(i) In the case of productive sector, subsidy should consciously be used to encourage complementary or supplementary investment for activities by the beneficiaries. Therefore, as far as possible, all subsidies should be made part of integrated programmes with provisions for the beneficiary contribution or activity. The maximum subsidy allowable is as follows:

1.	Houses	:	Rs.35,000 per unit for Scheduled Castes and others Below Poverty Line. 20% extra for Scheduled Tribes
2.	Shelter Upgradation (changing of roof to make it pucca)	:	Up to a maximum of Rs.7500 for BPL families. Under no circumstance cash doles should be given. An estimate should be prepared for each repair work and work should preferably be executed through NHGs/ADS at Ward levels. 20% extra can be given for STs.
3.	Repair of houses of SC/STs	:	Upto a maximum of Rs.5000 / house. To be done as a project preferably executed by ADS/CDS.

4.	House plots to SC/ST	:	For minimum 3 cents in rural and 1 $^{1}/_{2}$ cents in urban areas subsidy to the tune of Rs.19,500 in rural areas Rs. 20,000 in Municipal areas and Rs. 25,000 in Corporation areas or actual value in the document whichever is less can be given as Demand Draft to the seller of the land.
5.	Wiring of Houses	:	Upto a maximum of Rs.1000 for BPL families.
6.	Sanitation Unit	:	Rs.2000 per unit including soak pit, compost pit and toilet for BPL families.
7.	Assets for self-employment	:	As per SGSY pattern in rural areas and SJSRY pattern in urban areas.
8.	Animal Husbandry schemes.	:	1. The percentage of subsidy would be as for category 7 above. But the unit cost should be as fixed by NABARD from time to time. Family and individual ceilings would be as in Category 7. 2. Cattle Insurance approved by Government can be implemented.
9.	Wells	:	1. For SC/ST and BPL families fully subsidized wells can be given for drinking water purposes and for agricultural purposes. 2. In the case of non-BPL marginal farmers 50% subsidy of the unit cost can be given. The unit cost for wells would be fixed by the respective DLTC.
10.	Roof water harvesting	:	50% of cost up to Rs.5000/- for BPL families (Unit cost to be fixed by DLTC)
11	Agricultural Schemes – only for integrated group schemes.	:	(a) Fertilizer (including bio-fertilizer and manure) subsidy can be up to 50% of the cost and can be given only to marginal and small farmers (marginal farmers means owning 1 hectare or less and small farmer means one who owns between 1 to 2 hectares) as the component of a larger integrated production improvement project. There shall not be any scheme for fertilizer or pesticide distribution alone. Similar subsidy can be given for pesticides including bio-pesticides again as part of an integrated production improvement project for marginal farmers. Subsidy

should not be paid in cash to individuals families.

(b) Vegetable seeds and paddy seeds and seedlings can be given free of cost and other seeds and seedlings may be given at 50% subsidy.

(c) For pump sets, sprayers and other agricultural implements the subsidy would be 75% for SC/ST and 50% for non-SC/ST and can be given to marginal farmers only. The unit cost would be as fixed by NABARD.

(d) Tractors, and other agricultural machinery, etc., can be given only to farmers' co-operatives and registered 'Padasekara Samithis,' free of cost after getting an agreement signed by them that it will be put to common use and will be promptly maintained.

12.	Soil Conservation	:	Subsidy limits applicable under Western Ghats Development Programme
13.	Cutting of coconut trees affected by disease	:	The rates of subsidy would be the same as that given by the Agricultural Department. Only marginal farmers are eligible for this subsidy. There should be a system of marking of trees affected by disease by a committee which includes the Agricultural Officer and the payment should be made after verification.
14.	Fisheries Schemes:	:	The subsidy limits and family income now fixed by the fisheries department would apply.
15.	Auto-rickshaw / Pick-up Auto:	:	The subsidy could be up to Rs.10,000 in the case of non-SC and Rs.20,000 in the case of SC/ST beneficiaries. Invariably the scheme should be linked to institutional finance and payment should be as back-end subsidy to the bank concerned. The eligibility is limited to BPL families.

(ii) In order to assist the physically and mentally challenged people it is permissible to provide the following items free of cost to those eligible people below poverty line.

(a) For the physically handicapped

(1) Surgical shoes/ankle boots/moulded shoes/specially made leather chappals according to required measurements/micro cellular chappals with rubber sole/accommodative foot wears.

(2) Orthotic equipments/different kinds of corrective shoes

(3) Artificial limbs/different kinds of legs, hands etc.

(4) Walking aids/ different kinds of crutches, walkers

(5) Lumbar Corset/ Spinal Brace/ Jacket/ Knee Brace/ Static or Dynamic Splints/Wheel Chair/Tri Cycles run by hand or by motor.

(b) For the hearing impaired

Hearing aids

(c) For the mentally challenged

(1) Items that are given to physically handicapped as required.

(2) Tri cycles and wheel chairs made according to the health condition of the person concerned.

(d) For the vision impaired

(1) Special equipments for movement, white cane

(2) Hand held stand magnifiers with and without light, speech synthesizers, Braille attachments necessary for computers.

(3) Braille attachment which is connected to telephone for vision impaired and hearing impaired.

(4) Equipments to help braille writing – short hand Braille machine, Braille type writer for students who have passed 10^{th} talking calculators, raised map globes etc.

(5) Special study aids.

(iii) Cost per unit of the above mentioned aids and their procurement would be as per the existing procedures of the Health department**.**

(iv) *In addition the following norms would apply*.

(1) For Group Economic Development Schemes, the subsidy pattern applicable for SGSY would apply in rural areas and those applicable to SJSRY would apply in urban areas (only people below poverty line).

(2) All irrigation schemes would have at least 20% of the capital cost contributed by the benefitted farmers in proportion to the area under their possession. The farmers' groups should also undertake to carry out the operation and

maintenance. The work has to be approved by the farmers' groups before it is implemented.

(3) In the case of water supply schemes beneficiary groups have to be formed of all families benefited and at least 10% of the capital contribution should be mobilized. There can be cross subsidies as decided by the community. The O&M responsibility should be taken up by the beneficiary group.

(4) Instead of subsidies, revolving funds may be given for farmers' groups and Padasekhara Samithies after clearly specifying the purposes for which revolving funds can be used.

(5) Local governments may provide infrastructure for IT@school projects in government schools and for Copra/Pepper drying units and bio-fertilizer units of CDSs.

(6) In the case of insurance schemes Local Governments may contribute only to schemes which are approved by Government. This applies to accident insurance, health insurance, livestock insurance etc.

(7) Local Governments may contribute the subsidy to the Special Livestock Breeding Programme (SLBP) as per the norms fixed by the Animal Husbandry Department.

d) Restriction on subsidies and other items

(i) Provision of subsidies for the following items to individuals and families is not allowed.

1. Pressure Cooker
2. Cooking Vessels/Storage Vessels
3. Furniture
4. TV/Radio/Mike sets/lamps/lanterns (except in the case of solar lanterns SC/ST households in unelectrified areas).
5. Bags/Slippers/Shoes/Umbrellas etc.
6. Dress Items/Uniforms/Books
7. Cash Doles/Pensions/Donations/Advertisements
8. Grants for Treatment/Marriage/Funeral/Child Birth
9. Sewing Machine

10. Axe/Pick Axe/Shovel/Spade/Fork and other garden implements.
11. Agricultural Land
12. Interest subsidy

This is an illustrative list and applies only to beneficiary oriented schemes either for an individual or a family. If the District Planning Committee feels that there are similar items, which would lead to mere distribution of funds, it may persuade the local governments to drop such projects. In case there is any dispute, the matter may be referred to Government for clarification.

(ii) In view of the Information System network that is being planned by the Government for local governments, purchase of computer and software for the use of the local government can be made only with prior sanction of the Government. For provision of hardware and software for the IT@School project where Kudumbashree is not in a position to run it, the standards and specifications approved by government would have to be followed.

(iii) No salary can be paid from the plan grant. However, short duration honorarium or consultancy charges may be paid subject to a maximum of three months and it should in no way cause any commitment to long run salary expenditure of the local governments. Only exemption to this is the honorarium subject to a maximum of Rs.100 per month that may be paid to Anganwadi Workers and Rs.50 to Anganwadi Helpers for the services in mobilizing women in the Grama Sabhas/Ward Conventions and assisting the implementation of Kudumbashree Programme. Also vehicles cannot be purchased using Plan Grant without prior permission from Government.

(iv) Assistance to Co-operatives and Charitable Societies, including those promoted or set-up by local governments cannot be provided using Plan Grant.

(v) For any other item not mentioned in the Government Order, prior permission of the Government is required. Any violation of the subsidy norms would be deemed to be misutilisation of local body funds and any excess subsidy paid would be recoverable from the person(s) responsible as per the provisions of law.

e) Credit linkages

Based on the decisions of the District Level Bankers Committee and Block Level Bankers Committee, the Working Groups should work out credit linkages for as

many schemes as possible i.e., the local government subsidy should be used to attract loans from the banks to the beneficiary group or individual. This would ensure that investment in sectors related to economic development gets multiplied. But before firming up proposals for credit linkages consultations may be had with local bankers for which DLBC/BLBC could be used as a forum to be attended by the conveners of the concerned Working Groups.

7.5 Step 5 - Plan Finalization by Local Governments

7.5.1 Once the projects are prepared in order to finalize the plan the following steps have to be to taken.

(a) The concerned Standing Committee of the local government would have detailed interactions with the respective Working Group(s).

(b) A full meeting of the local government would finalize the projects which are to be included in the Five Year Plan as well as the Annual Plan Annual Plan 2002-03.

7.5.2 While finalizing the Plan the local government shall bear the following points in mind.

(a) ***Size of the Plan***. The Annual Plan size is as indicated in the Appendix B of the State Budget. The Five Year Plan size can be assumed to be six times the current year's allocation. The Annual Plans for the succeeding years may be estimated at 10% above the previous year's Plan. As regards Centrally Sponsored Schemes a 10% annual increase can be estimated. For State sponsored schemes no increase need be assumed.

(b) In the case of Village Panchayats, Municipalities and Corporations all new developmental works and schemes should be part of the Annual Plan. The revenue surplus of these local governments should be used as an additional source for funding the Plan. The revenue surplus is to be calculated as follows:

Own resources	–	X
Transfers from Government through Director of Panchayats, Director of Municipalities	–	Y
Establishment charges, maintenance charges, routine repairs, repayment of loans, reasonable amount of contingency for unforeseen emergencies.	–	Z
REVENUE SURPLUS	–	(X + Y) – Z

(c) It is possible that unspent funds are available from the Centrally Sponsored and State Sponsored Schemes. An Action Plan for spending such funds in accordance with the departmental guidelines needs to be drawn up.

(d) The priorities indicated in these guidelines have to be considered and incorporated in to the Plan.

7.5.3 The various aspects of integration of plans have to be built into the Plan. The kinds of integration are explained below:

(a) ***Integration with State Plans:*** There are several State Plans which are implemented at the local level, which if the local governments so decide, can be replicated with increased allocation from local government funds. Also in some cases a component having a complementary nature could be added to the State Plan Scheme. Another kind of integration in this category would be to take up downstream activities after government completes a plan scheme; for example when the KSEB draws an electric line to a new area, the local government could take up wiring of BPL houses.

(b) ***Integration of resources****:* There are several schemes both centrally sponsored and State sponsored to which local governments can contribute additional resources. For example, training component of SGSY or SJSRY could be magnified using local government funds. Similarly, for housing under Indira Awas Yojana the local government can contribute up to Rs.13,000 per unit.

(c) ***Integration with Centrally Sponsored Schemes****:* What is envisaged is that there shall be only one development plan for the local government prepared through a common

planning process. Once the priorities and works are identified those components which can be taken up under the guidelines of the concerned Centrally Sponsored Scheme should be taken up using those funds. Once this matching is done, action plan for CSS can be drawn up from the total plan, as required under the guidelines of those schemes. In other words different types of plan preparation for different sources of funds should not be done.

(d) ***Horizontal integration****:* This implies providing backward and forward linkages. Examples would be provision of irrigation being accompanied by introduction of high yielding variety of seeds, supply of miltch cattle linked with disease prevention programme etc.

(e) ***Vertical integration****:* This implies that higher level local governments should perform activities which have the advantages of scale and which cannot be done by the lower tiers of local government. In order to achieve this, the Block Panchayats should get the draft plans of Village Panchayats before finalizing their plan. Similarly the District Panchayats should consider the approved plans of Village and Block Panchayats before finalizing theirs.

(f) ***Sectoral integration****:* This implies that instead of taking up one development component a group of related issues could be addressed. For example, a coconut development project could provide for cutting of diseased trees, replanting with high yielding varieties, inter-cropping with fodder, vegetables etc., micro irrigation and even copra drying.

(g) ***Cross-sectoral integration****:* In order to achieve maximum impact it is possible to design schemes which have elements from several sectors. A typical watershed management programme would have components like soil conservation, water harvesting, micro irrigation, bio-mass generation, fisheries, animal husbandry, agro processing and even micro enterprise components, of course properly sequenced.

(h) Sp***atial integration****:* This implies integration of schemes like roads which run through one or more local governments. Multi local government infrastructure projects can be taken up with proportionate contribution from the local governments concerned and entrusted to one local government for execution.

7.5.4 As the National Development Council has called for the Tenth Plan to be a Reform Plan each local government has to prepare a Reform Plan and include in its Plan document. It should consist of the following elements.

1) Updating of records
2) Completion of Asset Register
3) Preparation of Road Register
4) Preparation of benefit register including supply of benefit cards to all beneficiaries.
5) Increasing local resource mobilization through taxes, user charges and contributions.
6) Innovative means of financing through cess, BOT, Community contribution and borrowings.
7) Performance standards for institutions and officers.
8) Steps to reduce waste and leakages.
9) Measures to control possible corruption.
10) Measures to improve performance of obligatory functions in the case of Village Panchayats and Municipal bodies.
11) Efforts at promoting development through local action without significant outflow of funds from the local government. This could include tapping of funds from local philanthropists, NRIs, the Corporate sector and NGOs.

7.5.5 ***The structure of the Plan document:*** The Plan document submitted to the DPC for vetting should consist of the following chapters.

1) Development scenario of the local government
2) Efforts during the past five years
3) Success and failures
4) Physical and Financial achievements
5) Thrust areas identified in the district plan
6) Strategic vision of the local government
7) Chapters on Anti-poverty Sub Plan, Women component Plan, Special Component Plan and Watershed Management Plan
8) Description of schemes sector wise and in each sector giving the existing scenario, the intended scenario, size of the gap and the phased filling up the gaps with monitorable targets. PERT charts are to be given for each scheme. In the case of schemes targeted at individuals or groups, the eligibility criteria and prioritization criteria among eligible applicants need to be clearly spelt out – in the case of prioritization criteria, marks assigned for each criterion has to be noted with the total being 100.

9) Credit linkages
10) Efforts at integration & suggestion for higher tiers.
11) Reform Plan
12) Monitoring arrangements.

7.5.6 The plan documents should be for five years giving details of the annual plans of the five years. In the case of the Annual Plan for the year 2002-2003 all details have to be specific. For other years the following instructions may be followed.

(a) Projects for infrastructure like roads, buildings, irrigation, water supply, solid waste management, electricity extension, play grounds, markets etc., would have to be specific giving location including ward, magnitude, cost etc.

(b) In the case of economic development schemes including poverty alleviation, the project should show various components – capacity building needs, costs, method of selection and implementation etc. The same system may be followed for self-employment schemes for individuals and groups.

(c) Projects for repairs and renovations need indicate only the annual allocation and sector and details can be worked out before implementation. But the assets chosen and the types of repair should be noted.

(d) For training projects also only the earmarking of resources and type of training, and target group need be indicated at the beginning.

7.5.7 In addition to the plan document, the following should be submitted to TACs :

1) Statistical statement
2) Documents relating to various steps in the preparatory phase and the planning phase
3) Expenditure statement for Ninth Plan (year-wise)

7.6 Step 6 - Vetting of Plans

7.61 The District Planning Committee (DPC) may constitute Technical Advisory Committees (TACs) at the district level for District Panchayats, Block Panchayats, Municipalities and Corporations and at the Block level for Village Panchayats as per the composition indicated earlier (para 6.4.1). The Block Development Officers (BDOs) would be the Convener and Secretary of Block Level TAC. The TACs should have sub groups for different sectors both at the District and Block Levels. The Chairpersons of Block Level TAC and the Chairpersons and Conveners of sub-groups of TAC both at the Block and District Levels

would also be decided by the DPC. They would also fix the quorum for the sub groups and it shall not be less than three.

7.6.2 The functions of the TACs are:

(a) Ensuring that local government plans are in accordance with the mandatory guidelines issued by Government particularly in relation to investment ceilings for the broad sectors, subsidy limits, sectoral guidelines, priorities to various groups, ineligible categories for assistance etc.

(b) Ensuring that the plans are in accordance with prevailing technical guidelines.

(c) Verifying whether the costing is appropriate and the phasing is reasonable.

(d) Giving suggestions for innovative plans and integrated projects, which local governments may accept if they so desire.

7.6.3 However, it is clarified that TACs do not have any power to change a local government priority or to force a local government to take up a particular scheme or work. Any dispute regarding acceptance of a scheme at the Block TAC may be referred to the District TAC for decision. If the dispute is at the District level it may be referred to the Co-ordination Committee at the Government level for decision.

7.6.4 The TAC sub groups should go through every project in detail, visit sites if required and make suitable recommendations to the DPC. In case the TAC identifies any problem with local government projects it should hold discussions with the elected head and the concerned implementing officers of the local government and sort out matters across the table. No plan, which does not have the required allocation for Anganwadi feeding, should be forwarded to DPC.

7.6.5 The concerned local governments would submit their plans in one lot to the BDO or the DPO as the case may be and obtain receipt. The BDO or DPO may divide the projects among different sub groups of the TAC and pass them on to them for detailed scrutiny. The TAC shall not take more than 10 days for vetting the Plan of a local government.

7.6.6 The draft Plan of District Panchayats and Corporations should be submitted to the State Planning Board after vetting by TAC.

7.7 Step 7 - Approval by DPC

The DPC would hold as many sittings as required to go through the plans submitted by local governments as vetted by the TACs. The DPC shall not take more than 10 days to approve plans of local governments.

7.8 Step 8 - Technical Approval.

7.8.1 Only public works need technical approvals. Technical Committees would be constituted at the Block, Municipality/Corporation and District Levels by the District Collector. Technical personnel would be drawn from among serving engineers, retired engineers and engineers from academic institutions both government and private and NGOs. Each Technical Committee could have independent sub-groups for irrigation and water supply consisting of atleast three engineers; one of whom shall be either from an academic institution or a non-government engineer. The works of Block Panchayats would be looked after by District Level Technical Committee (DLTC). Quorum for sub-groups would be three including one non-government engineer.

7.8.2 The District Collector would be the Chairman of the DLTC. At the Block/ Municipal/Corporation levels a senior professional who is working in academic institutions, private sector or NGOs or who has retired from public or private service who has the stature and leadership to co-ordinate the working of the Technical Committee should be made the Co-ordinator of the Technical Committees. All these Committees are to be nominated by the District Collector in consultation with the DPC Chairperson.

7.8.3 The power of TS of a Sub-group or Technical Committee would be fixed at one level higher to the level of its Convener.

7.8.4 The responsibility for convening the Technical Committees would be with BDOs, Municipal/Corporation Secretaries and DPOs for the Block, Municipal/Corporation and District levels. Elected heads of District Panchayats, Block Panchayats and Municipalities/Corporations would have the right to review the progress of issue of technical sanction with the Technical Committees.

7.8.5 The Technical Committee shall give TS on a first come first served basis once the estimates are submitted to them. For projects which need changes discussions shall be held with the representatives of the local government concerned. They are fully responsible for the technical soundness of the estimates and the proposed work and they would have the same liability as that of any engineer who accords TS according to the PWD manual.

8. GENERAL ITEMS

8.1 In order to eliminate benami works it is laid down that all building works are to be tendered except schools and Anganwadies where the PTAs, if they are willing to directly undertake construction, may do so. Similarly all road works involving tarring should be tendered. Only works having earth-work to the tune of at least 75% of the total cost and costing less than Rs.25,000 can be entrusted to beneficiary committees. And splitting of works is not permissible. Irrigation and Water supply works which have the mandatory contribution from the beneficiaries can be executed through the beneficiary groups themselves. For works executed through beneficiary committees the rates shall be the same as those stipulated for the year 2001-2002.

8.2 In order to avoid high cost of advertisement the works may be tendered through a single advertisement. Also the tender notice should be put up in the official website for public information. In order to ensure transparency and accountability of tendered works, Monitoring Committees consisting of beneficiaries would be set up selected in the same manner as the Executive Committee of a Beneficiary Committee. Also tender excess would not be permitted except to the level of increase allowed for Beneficiary Committees for different categories of works.

8.3 All documents relating to plan preparation are public documents and open for scrutiny or copying by any person.

8.4 Officials from government, public sector or autonomous agencies aided by government would be deemed to be on duty on the days they participate in various committee meeting and the Secretary of the Local Government concerned is authorised to issue the attendance certificate for Working Groups and the Convenor for TACs and Technical Committees.

9. SUPPORT SYSTEMS

In order to help the local governments in the plan preparation process each local government may identify one official working within its jurisdiction to act as Plan Co-ordinator. In the case of Municipalities, Corporations, Block Panchayats and District Panchayats the officer should be a gazetted officer. Similarly a senior gazetted official should be identified by the DPC to function as the Plan Co-ordinator at the district level. All such identification has to be through unanimous resolutions.

10. TIME TABLE FOR PLAN FINALISATION

The following dates are suggested for completing various steps in the Plan preparation process. The dates are suggestive and local governments may make marginal changes to suit their convenience. However the dates for submission to Technical Advisory Committee and DPC are mandatory and if this is delayed, the local governments would forfeit 25% of the allocation for 2002-2003.

1.	Identification of Co-ordinator	20th June 2002.
2.	Constitution of Working Group	25th June 2002.
3.	Constitution of Technical Advisory Committes by DPCs.	1st July 2002
4.	Evaluation of Ninth Plan	31st July 2002
5.	Asset Verification	31st July 2002
6.	Completion of other items of stock-taking of the Ninth Plan.	31st July 2002
7.	Revision of Development Report	31st July 2002
8.	Revision of District Plan	31st July 2002
9.	Special meeting of DLBC/BLBC	31st July 2002

10.	Submission of Working Group Reports		10th August 2002.
11.	Grama Sabha/Ward Sabha meetings		5th September 2002
12.	Consultations of Block Panchayats and District Panchayats with other tiers		31st August 2002
13.	Consultation with stake-holders		31st August 2002
14.	Development Seminar		15th September 2002.
15.	Plan Finalisation and submission to DPC through Technical Advisory Committee.		
	a)	Village Panchayats	25th September 2002 5th October 2002
	b)	Block Panchayats/Municipalities	12th October 2002
	c)	District Panchayats/Corporations	
16.	Approval by the DPC		
	a) Village Panchayats		15th October 2002
	b) Block Panchayats/Municipalities		20th October 2002
	c) District Panchayats/Corporations		31st October 2002.

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