THE KERALA MUNICIPALITY ACT, 1994*

An Act to replace the present enactments relating to Municipalities and Municipal Corporations by a comprehensive enactment in line with the Constitution (Seventy Fourth) Amendment Act.

Preamble.—Whereas the Kerala Municipalities Act, 1960 and the Kerala Municipal Corporations Act, 1961, the laws with respect to the functioning of urban local bodies prevailing in the State are not in conformity with the provisions of Part 1XA of the Constitution of India inserted by the Constitution (Seventy Fourth Amendment) Act, 1992;

AND WHEREAS it is expedient to replace the said enactments by a comprehensive enactment in line with the Constitution (Seventy Fourth Amendment) Act, 1992 for securing a greater measure of participation of the people in planned development and in local Governmental affairs by constituting Town Panchayats, Municipal Councils and Municipal Corporations;

AND endow such Municipalities with necessary powers and authority to enable them to function as institutions of self-government;

AND entrust such Municipalities with the functions of 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 Twelfth Schedule to the Constitution;

Be it enacted in the Forty Fifth year of the Republic of India as follows:*

STATEMENT OF OBJECTS AND REASONS (Act 20 of 1994)

1.In order to enshrine in the Constitution certain basic and essential features of Municipal bodies and to impart certainty, continuity and strength to them, a new part, namely pan IX A has been added in the Constitution by the Constitution (Seventy-Fourth) Amendment Act, 1992.

2.The new part provides for the constitution of Municipalities, namely, Nagar Panchayats for areas in tnmsition from rural area to urban area, Municipal Councils for smaller urban areas and Municipal Corporations for larger urban areas; direct elections to all seats in the Municipalities; constitution of Ward Committees in every Municipality having a population of 3 lakhs or more; reservation of seats for Scheduled Castes and Scheduled Tribes and women; representation of Members of Parliament and Members of Legislative Assembly in the Municipality; fixing tenure of 5 years for the Municipalities and holding elections before the expiry of this duration and within a period of six months in the event of dissolution; disqualification of members of the Municipalities; devolution of powers and responsibilities upon the Municipalities with respect to the preparation of plans for economic development and social justice and for the implementation of development schemes; sound finance of the Municipalities by securing authorisation from State Legislature for grant-in-aid from the Consolidated Fund of the State as also assignment to, or appropriation by the Municipalities of the revenues of designated taxes, duties, tolls and fees; authorising the State Financing Commission to review the financial position of the Municipalities; authorising the Slate Election Commission for the superintendence, direction and control of the elections to the Municipalities; Constitution of District Planning Committees to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare draft development for the district; Constitution of Metropolitan Planning Committee for every metropolitan area having a population of 10 lakhs or more to prepare draft development plan for the area; powers of the State Legislature to make laws with respect to the elections to the Municipalities and other matters; and continuance of existing inconsistent laws until amended or until one year from the date of commencement of the Constitution (Seventy-Fourth) Amendment Act, 1992.

3.Provisions in accordance with the Constitution (Seventy-fourth Amendment) Act, 1992 have to be made in the state enactments relating to the Municipal Councils and Municipal Corporations before 31-5-1994. The Government consider that instead of making amendments to the existing Kerala Municipalities Act and the Kerala Municipal Corporations Act, it would be better to enact a new Municipalities Act applicable uniformly to the Municipal Councils, Municipal Corporations and Nagar Panchayats, incorporating the provisions in accordance with the Constitution (Seventy-Fourth) Amendment Act, 1992.

4.With effect on and from the commencement of this Act, the Government consider it necessary to repeal the Kerala Municipalities Act, 1960 (14 of 1961), the Kerala Municipal Corporations Act, 1961 (30 of 1961), the Guruvayur Township Act, 1960 (43 of 1961) and the provisions of the Kerala Local Authorities (Constitution and Preparation of Electoral Rolls) Act, 1994 (4 of 1994), in so far as they relate to Municipalities.

***THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992**

An Act further to amend the Constitution of India Be it enacted by

Parliament in the Forty-third year of the Republic of India as follows:—

1.SHORTTITLEANDCOMMENCEMENT.— (1) This Act may be called the Constitution (Seventy-Fourth Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the

2.INSERTIONOFNEWPART IXA,— After Part IX of the Constitution, the following Part shall be inserted, namely:—

PARTIX-A

THE MUNICIPALITIES

2. 43-P. DEFINITIONS.— In this part, unless the context otherwise requires,

(a)"Committee" means a Committee constituted under Article 243;

(b)"district" means a district in a State;

(c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purpose of this Part;

(d)"Municipal area" means the territorial area of a Municipality as is notified by the Governor;

(e) "Municipality" means an institution of self-government constituted under Article 243-Q;

(f) "Panchayat" means a Panchayat constituted under Article 243-B;

(g) "population" means the Population as ascertained at the last preceding census of which the relevant figures have been published.

243-Q. CONSTITUTIONOF MUNICIPALITIES.— (1) There shall be constituted in every State -

(a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;

(b) a Municipal Council for a smaller urban area; and

(c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in nonagricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243-R. COMPOSITIONOF MUNICIPALITIES.— (1) Save as provided in clause (2), all the seals in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide-(a) For the representation in a Municipality of-

(i) persons having special knowledge or experience in Municipal administration;

(ii) 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 the Municipal area; (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;

(iv) the Chairpersons of the Committees constituted under clause 5 of Article 243-S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b)the manner of election of the Chairperson of a Municipality.

243-S. **CONSTITUTIONANDCOMPOSITION**of Wards **COMMITTEES, ETC.**— (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2)The Legislature of a State may, by law, make provision with respect to-

(a)the composition and the territorial area of a Wards Committee;

(b)the manner in which the seats in a Wards Committee shall be filled.

(3)A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4)Where a Wards Committee consists of-

(a)one ward, the member representing that ward in the Municipality; or

(b)two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243-T. RESERVATIONOFSEATS.— (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality 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 Municipality as the population of the Scheduled Castes in the Municipal area of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(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 Municipality shall be reserved for women and such .seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities 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.

(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 Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243-U. DURATIONOF MUNICIPALITIES, ETC.— (1) Every Municipality, 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:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality 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 Municipality 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 Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243-V. DISQUALIFICATIONSFORMEMBERSHIP.— (I) A person shall be disqualified for being chosen as, and being, a member of a Municipality-

(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 Municipality 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.

243-W. POWERS, AUTHORITYANDRESPONSIBILITIESOF MUNICIPALITIES, ETC,— Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow-

(a) the Municipalities 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 Municipalities, subject to such conditions as may be specified therein, with respect to-

(i) the preparation of plans for economic development and social justice;

(ii)the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelth Schedule.

243-X. Power to impose taxes by, and Funds of, the Municipalities.—The Legislature of a State may, by law,-

(a)authorise a Municipality 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 Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c)provide for making such grants-in-aid to the Municipalities 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 Municipalities and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-Y. FINANCE COMMISSION.— (1) The Finance Commission constituted under Article 243-1 shall also review the financial position of the Municipalities and make recommendations to the Governor as to

(a) the principles which should govern-

(1)the distribution between the State and the Municipalities 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 Municipalities 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 appropriated by, the Municipalities;

(iii)the grants-in-aid to the Municipalities from the Consolidated Fund of the State.

(b) the measures needed to improve the financial position of the Municipalities;

(c) sound finance of the Municipalities.

(2)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.

243-Z AUDITOFACCOUNTSOF MUNICIPALITIES.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

243-ZA. ELECTIONSTOTHE MUNICIPALITIES.— (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in State Election Commission referred to in Article 243-K.

(2)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 Municipalities.

243-ZB. APPLICATIONTO UNIONTERRITORIES.— 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 reference 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.

243-ZC. PARTNOTTOAPPLYTOCERTAINAREAS.— (1) Nothing in this Pan 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 be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3)Notwithstanding anything in this Constitution, 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 purpose of Article 368.

243-ZD. COMMITTEEFORDISTRICTPLANNING.— (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2)The Legislature of a State may, by law, make provision with respect to-

(a)the composition of the District Planning Committees;

(b)the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c)the functions relating to district planning which may be assigned to such Committees;

(d)the manner in which the Chairpersons of such Committees shall be chosen.

(3)Every District Planning Committee shall, in preparing the draft development plan,-

(a)have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water an other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

consult such institutions and organisations as the Governor may, by order, specify.

(b) plan, as recommended by such Committee, to the Government of the State.

243-ZE. COMMITTEEFOR METROPOLITANPLANNING.— (1) There shall be constituted in every Metropolitan area Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a)the Composition of the Metropolitan Planning Committees;

(b)the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area.

(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;

(d)the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committees;

(e) the manner in which the Chairpersons of such Committees shall be chosen.

(3)Every Metropolitan Planning Committee shall, in preparing the draft development plan,

(a)have regard to

(i)the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the Government of the State;

(iv) the extent and nature of investment likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b)consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243-ZF. CONTINUANCEOFEXISTINGLAWSAND MUNICIPALITIES.— Notwithstanding anything in this Part, any provisions of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities 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-ZG. 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-ZA shall not be called in question in any court;

(b) no election to any Municipality 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.

* TWELFTH SHEDULE

(Article 243- W)

1.Urban planning including town planning.

2.Regulation of land use and construction of buildings.

3.Planning for economic and social development.

4.Roads and bridges.

5.Water supply for domestic, industrial and commercial purposes.

6.Public health, sanitation conservancy and solid waste management,

7.Fire services.

8.Urban forestry, protection of the environment and promotion of ecological aspects.

9.Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.

10.Slum improvement and upgradation.

11.Urban poverty alleviation.

12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds, cremations, cremation grounds and electric crematoriums,
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughterhouses and tanneries.

**STATEMENT OF OBJECTS AND REASONS

In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government.

2. Having regard to these inadequacies, it is considered necessary that provisions relating to Urban Local Bodies are incorporated in the Constitution particularly for-

(i) putting on a firmer footing the relationship between the State Government and the Urban Local Bodies with respect to-

(a) the functions and taxation powers; and

(b) arrangements for revenue sharing;

(ii) ensuring regular conduct of elections;

(iii) ensuring timely elections in the case of supersession; and

(iv) providing adequate representation for the weaker sections like Scheduled Castes, Scheduled Tribes and women.

3. Accordingly, it is proposed to add a new part relating to the Urban Local Bodies in the Constitution to provide for-

(a) constitution of three types of Municipalities

(i) Nagar Panchayats for areas in transition from a rural area to Urban area;

(ii) Municipal Councils for smaller urban areas;

Twelfth Schedule inserted by Constitution (Seventy-fourth Amendment) Act,1992(w,e.f.l-6-1993)

(i) Municipal Corporations for larger Urban areas.

The broad criteria for specifying the said areas is being provided in the proposed article 243Q;

(b)Composition of Municipalities, which will be decided by the Legislature of a State, having the following features:

(i) persons to be chosen by direct election;

(ii) representation of Chairpersons of Committees, if any, at ward or other levels in the Municipalities;

(in) representation of persons having special knowledge or experience of Municipal Administration in Municipalities (without voting rights);

(c) election of Chairpersons of a Municipality in the manner specified in the State law;

(d) constitution of Committees at ward level or other level or levels within the territorial area of a Municipality as may be provided in the State law;

(e) reservation of seats in every Municipality-

(i) for Scheduled Castes and Scheduled Tribes in proportion to their population of which not less than one-third shall be for women;

(ii) for women which shall not less than one-third of the total number of seats;

(iii) in favour of backward classes of citizens if so provided by the Legislature of the State;

(iv) for Scheduled Castes, Scheduled Tribes and women in the office of Chairpersons as may be specified in the State law;

(f) fixed tenure of 5 years for the Municipality and re-election within six months of end of tenure. If a Municipality is dissolved before expiration of its duration, elections to be held within a period of six months of its dissolution;

(g)devolution by the State Legislature of powers and responsibilities upon the Municipalities with respect to preparation of plans for economic development and social justice, and for the implementation of development schemes as may be required to enable them to function as institutions of self-government;

(h)levy of taxes and duties by Municipalities, assigning of such taxes and duties to Municipalities by State Governments and for making grants-in-aid by the State to the Municipalities as may be provided in the State law;

(i)
(j) a Finance Commission to review the finances of the Municipalities and to recommend principles for- determining the taxes which may be assigned to the Municipalities;

(k)sharing of taxes between the State and Municipalities;

(l) grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(m)audit of accounts of the Municipal Corporations by the Comptroller and Auditor-General of India and laying of reports before the Legislature of the State and the Municipal Corporation concerned;

(n)making of law by a State Legislature with respect to elections to the Municipalities to be conducted under the

superintendence, direction and control of the chief electoral officer of the State;

(o)application of the provisions of the Bill to any Union Territory or part thereof with such modifications as may be specified by the President;

(p)exempting scheduled areas referred to in clause (1), and tribal areas referred to in clause (2), of article 244, from the application of the provisions of the Bill. Extension of provisions of the Bill to such areas may be done by Parliament by law;

(q)disqualification for membership of a Municipality;

(r) bar of jurisdiction of Courts in matters relating to elections to the Municipalities.

(s) The Bill seeks to achieve the afore said Objectives.

CHAPTER 1

PRELIMINARY

1.SHORTTITLE, EXTENTANDCOMMENCEMENT.— (1) This Act may be called the Kerala Municipality Act, 1994.

(2) It extends to the whole of the State of Kerala.

(3)

2. It shall be deemed to have come into force on the 30th day of May, 1994.

(1) **DEFINITIONS**.— In this Act, unless the context otherwise requires,-

"Article" means an Article of the Constitution of India;

(2) "building" includes a house, out-house, stable, latrine, shed, hut, bunk and any other structure whether of masonry, wood, brick, mud, metal or any other material whatsoever;

(3) "building line" means a line which is at the rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as provided in the building rules;

(4) "candidate" means a person who has been duly nominated or claimed to have been duly nominated as a candidate of any election;

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;

'[(6) "Chairperson" in relation to a Town Panchayat or a Municipal Council means the Chairman of that Town Panchayat or Municipal Council and in relation to a Municipal Corporation, the Mayor of that Municipal Corporation;

(6A) "Deputy Chairperson" in relation to a Town Panchayat or a Municipal Council means the Vice-Chairman of that Town Panchayat or Municipal Council and in relation to a Municipal Corporation, the Deputy Mayor of that Municipal Corporation;]

(7) "Collector" means the Collector of the district;

(8) "committee" means a Standing Committee [1] [2][x x] or a Steering Committee [2][xx]

constituted under this Act or other Committees constituted by the Council for any specific purpose;

(9) "Council" means the Council of a Town Panchayat, a Municipal Council or a Municipal Corporation;

(10) "Company" means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) and includes, a foreign company within the meaning of section 591 of that Act, a cooperative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969) and a firm or association carrying on business is situated in the State whether incorporated or not and whether its principal place of business is situated in State or not.

1.Caluse (6) substituted by Act 14 of 1999, w.e.f.24-3-1999.

2.The words" or a Joint Committee" &"or a Ward Committee" omitted by Act 14 of 1999,w.e.f.24- 3-1999.

11."Corrupt practice" means any of the practices specified in section 144;

12."Dangerous disease" means a disease specified in the Ninth Schedule or any disease included in the said schedule by Government, from time to time, by notification in the Gazette;

13."District Election Officer" means an officer designated or nominated by the State Election Commission

14."Election" means an election to fill any vacancy in any of the wards of any Municipality;

15."Elector" in relation to any ward (by whatever name known) means a person whose name is included in the voters list, for the time being in force, in respect of that ward and who is not subject to any of the disqualifications referred to in section 74;

16."Electoral right" means the right of a person either to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or *to* vote in an election;

17."Electoral Registration Officer" means an officer designated or nominated by the State Election Commission to discharge the functions of the Electoral Registration Officer under this Act;

18."Filth" includes sewage, excreta, dung, putrid and purifying substances and all other substances causing danger to public health, if not removed;

19."hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size of any small building of whatever material made which the Municipality may declare to be a hut for the purposes of this Act;

20."latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water borne type and urinal;

21. [3][(2l) "Local Authority" or "Local Self Government Institution" means a Municipality constituted under Section 4 or a Panchayat constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994);]

22.(22) "lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest house not maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—

(a)student's hostel under public control or recognised control; or

(b)retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway employees or both; or

(c)retiring rooms or rest houses provided by the airport authority and normally used by passengers or cabin crew or both; or

(d)rooms situated within the compound of any place of worship and used by devotees for taking rest;

3. Clause (21) substituted by Act 14 of1999, w.e.f. 24-3-1999.

(23) "market" means any place set apart or ordinarily or periodically used for the assembling of persons for the sale or purchase of grain, fruit, 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 or any raw or manufactured products or any other articles or commodity necessary for the convenience of life, provided that a single shop or group of shops, not being more than six in number, shall not be deemed to be a market;

(24) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance, disturbance or harassment to the sense of sight, smell, hearing or to rest or sleep or which is, or may be, dangerous to life or injurious to health or property;

(25)"Occupier" includes—

(a) any person who, for the time being, is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b)any owner in occupation of or otherwise using his land or building;

(c)a rent free tenant of any land or building;

(d)a licensee in occupation of any land or building ; and

(e) any person who is liable to pay the owner damages for the use or occupation of any land or building;

(26)"owner" includes-

(a) a person who for the time being is receiving or is entitled to receive the amount of lease or the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the amount of lease or the rent or be entitled to receive it if the land or building or part thereof were let to a lessee or a tenant on lease or rent;

(b) the person for the time being in charge of the animal, vessel or vehicle in connection with which the word is used;

(27) "Political Party" means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);

(28)"polling station" means any place appointed for holding election to a Municipality;

(29) "place of public entertainment" means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary where music, singing, dancing, drama or any diversion or game or the means of carrying on the same is provided and to which the public are admitted, and includes a race course, circus, theatre, music hall, billiard room, bagatelle- room, gymnasium and fencing school;

(30)"prescribed" means prescribed by rules made under this Act;

(31)"private market" means any market other than a public market;

(32) "private street" means any street, road, square, court, alley, passage or riding path which is not a public street, but does not include a path or way made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(33) "public market" means any market owned, constructed, repaired or maintained by a Municipality;

(34) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes-

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, 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 roadway upto the boundaries of the adjacent property,

whether that property is private property or property belonging to the Government;

(35)"public holiday" means a day which is declared as a holiday by the Government;

(36) "Public water courses, springs, wells and tanks and bunds" include water courses, springs, wells, tanks and bunds used by the public to such an extent as to give a prescriptive right to such use;

(37) "qualified medical practitioner" means a medical practitioner having prescribed qualifications;

(38)"reconstruction" of a building includes-

(a) the re-erection wholly or partially of a building after more than one half of its cubical contents has been taken down, or burnt down, or has fallen down, whether at one time or not;

(b) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within three metres or less of the ground adjoining the lowest storey of the building and of any frame-work of building which has so far been taken down or burnt down or has fallen down as to leave only the framework of the lowest storey;

(c) the conversion into a dwelling house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only or the conversion of a dwelling house into a factory or other industrial establishments;

(d) the re-conversion into a dwelling house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling house or place of public worship or a factory, as the case may be;

(39) "residence" or "reside" a person shall be deemed to have his 'residence' or to 'reside' in any house or hut if he sometimes uses as of right any portion thereof as a sleeping apartment and a person is not deemed to cease to reside in any such house or hut merely because he is absent from it or has elsewhere another dwelling in which he resides if he is at liberty to return thereto at any time and has not abandoned his intention of returning;

(40) "rubbish" means dust, ash, broken bricks, mortar, broken glass, and refuse of any kind which is not filth;

(41) "sanitation worker" means a person employed in collecting or removing filth or in cleaning drains, latrines or slaughter houses;

(42) "Scheduled Castes and Scheduled Tribes" shall have the same meaning as in the

Constitution of India;

(43)"Secretary" means the Secretary of a Municipality;

(44)"State" means the State of Kerala;

(45)"State Election Commission" means the State Election Commission appointed under Article 243 K;

forming part of a street from the adjoining land;

(47)"vehicle" shall have the same meaning as in the Motor Vehicles Act, 1988 (Central Act 59 of 1988);

(48)"vessel" includes any motor boat, steam launch, steam or motor tug or barge;

(49) "ward" means a ward of a Municipality for the purpose of election of Councillors; [4][(49A) "Ward Committee" means the Ward Committee constituted under Section 42; (49B) "Ward Sabha" means the Ward Sabha constituted under Section 42A;]

(50) "water course" includes any river, stream, channel or lake whether natural or artificial;

(52) "year" means the financial year.

3. INTERPRETATION.— Words and expressions used but not defined in this Act and defined in Part IX A of the Constitution of India shall have the meanings respectively assigned to them in that part.

4. Clause (49A) & (49B) added by Act 14 of1999, w.e.f. 24-3-1999.

CHAPTER II

CONSTITUTION, ALTERATION AND CONVERSION OF MUNICIPALITIES

4. CONSTITUTION, ALTERATIONANDCONVERSIONOF MUNICIPALITIES.— (1) The Government shall, by notification in the Gazette, constitute with effect from such dare as specified in the notification, -

(a)a "Town Panchayat" for a transitional area;

(b)a "Municipal Council" fora smaller urban area; and

(c) a "Municipal Corporation" for a larger urban area, and specify the name of such Municipalities.

(2)The Government may, by notification,-

(a) exclude any municipal area from the operation of this act; or

(b) exclude from a municipal area comprised therein and defined in the notification ; or

(c) divide any municipal area into two or more municipal areas; or

(d)unite two or more municipal areas; or

(e) unite the territorial area of a Panchayat geographically lying adjacent to a Municipal area, with the Municipality; or

(f) convert a Village Panchayat into a [5] [6][Town Panchayat or a Municipal Council]; or

(g) convert a Town Panchayat into a Municipal Council; or

(h) convert a Municipal Council into a Municipal Corporation:

[6][Provided that, before issuing such a notification the requirements under Article 243Q and sub-section (1) shall be fulfilled and the suggestions and opinions of the Village Panchayat or Town Panchayat or Municipal Council or Municipal Corporation concerned, shall be considered.]

Provided further that any notification issued under this sub-section shall not be brought into force except in such a way as to coincide with the expiry of the term of the existing Municipal Council or Village Panchayat in that territorial area.

(3) The Government may at the request of a Municipality or after consultation with the Municipality, at any time, alter the name of a Municipality, after previous publication of the proposal by notification in the Gazette.

(4) Where any Village Panchayat area is constituted as, or included in, a [7][Municipality], the Government may pass such orders as they may deem fit as to the transfer to the Municipality or disposal otherwise of the assets or institutions of such Panchayat in that area, and as to the discharge of the liabilities if any, of such Panchayat relating to such assets or institutions.

(5) Where any village Panchayat area is constituted as, or included in a [8][Municipality], all taxes, fees or other charges levied in that area under the enactments or regulations then in force shall, from the date of constitution or inclusion, as the case may be, cease to have effect and all such taxes, fees or other charges shall be levied in that area in accordance with the provisions of this Act and the rules, regulations and bye-laws made thereunder.

5. Substituted for the words "Town Panchayat" by Act 14 of 1999, w.e.f. 24-3-1999.

6. First provision substituted by Act 14 of1999, w.e.f. 24-3-1999.

7. Substituted for the words "Town Panchayat" by Act 14 of1999, w.e.f. 24-3-1999. 8.

(6) Where a Municipality is abolished, this Act and all notifications, rules, regulations, bye-laws, orders, directions and powers issued, made or conferred under this Act shall cease to apply to the area comprised within the Municipality, the balance of the Municipal fund and all other property vested in the Municipality at the time of its abolition shall vest in the succeeding local authority coming into existence or if a local authority does not come into existence in that area, in the Government and the liabilities of the Municipality shall be transferred to such local authority or as the case may be, the Government.

(7) All funds and property vested in the Government under sub-section (6) shall be applied to discharge the liabilities transferred to the Government under that sub-section and for the promotion of the safety, health, welfare or convenience of the inhabitants of the area comprised in the Municipality.

CHAPTER TTT

CONSTITUTION OF MUNICIPAL AUTHORITIES

5. INCORPORATIONAND ADMINISTRATIONOF MUNICIPALITY,— (1) Every Municipality shall be a body corporate by the name of the Municipality specified in the notification issued under section 4, shall have perpetual succession and a common seal, and shall, subject to any restriction or alteration imposed by or under this Act or any other law, be vested with the capacity of suing or being sued 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 so constituted.

(2) Every Municipality, shall exercise such powers, perform such duties and functions and shall have such responsibilities and authority as are provided by or under this Act or any other law for the time being in force.

6. CONSTITUTIONOF COUNCIL.— [9][(1) The Government shall, in accordance with the criteria specified in sub-section (3), notify the total number of seats of the Councillors to be filled up by direct election in a Town Panchayat, Municipality and Municipal Corporation considering the population of the area of the Municipality concerned.

(2) The Government may, after publishing the relevant data according to each census, vary the total number of seats of Councillors in a Municipality notified under sub-section (1) subject to the criteria specified in sub-section (3).

(3) The number of seats of Councillors notified under sub-section (1) or sub-section (2), shall be,—

(a) In the case of a Town Panchayat or a Municipal Council,—

(i) Twenty, where the population in the area of the Town Panchayat or Municipal Council does not exceed twenty thousand, and

(ii) Where the population of the Town Panchayat or Municipal Council exceeds twenty thousand, twenty, for the population of first twenty thousand, and one each for every two thousand and five hundred of the population exceeding twenty thousand, subject to a maximum of fifty Councillors;

(b) In the case of a Municipal Corporation,—

(i) fifty, where the population in the area of the Municipal Corporation does not exceed four lakhs, and

9. Sub-sections (1) to (4) substituted by Act 14 of1999.

(ii) Where the population exceeds four lakhs, fifty, for the population of first four lakhs and one each for every ten thousand exceeding four lakhs subject to a maximum of one hundred Councillors;

(4)The Councillors of every Municipality shall be elected by direct election]

(5) Specified seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality. The number of seats to be reserved in a Municipality shall be determined by the Government. 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 Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats may be allotted by rotation to different wards in a Municipality as the [m][the State Election Commission or an officer authorised by it] may, determine for each general election:

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

(6) Not less than one-third of the total number of seats reserved under sub-section (5) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes:

Provided that where the number of seats reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes under sub-section (5) is only one, that seat need not be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved by the Government for women and such seats may be allotted by rotation to different wards in a Municipality as the "[the State Election Commission or an officer authorised by it] may, by notification in the Gazette, determine for each general election.

(8) Nothing contained in sub-sections (5) to (7) shall be deemed to prevent persons belonging to the Scheduled Castes, Scheduled Tribes or Women from being a candidate to the election to the unreserved seats in a Municipality.

12[(9) The officer authorised in this behalf by the State Election Commission shall, by draw of lots, determine the wards to which seats reserved for Scheduled Castes and Scheduled Tribes under sub-section (5) and for Women under sub-sections (6) and (7) are to be allotted by rotation at such time and on such date and at such place as may be notified by the Commission.

(10) Immediately after deciding the reserved wards under sub-section (9), the State Election Commission shall notify the list of wards so reserved, in the manner prescribed.] 10 11 12

10. Substituted for the words "Government or an officer authorised by the Government" by Act 14 of 1999. w.e.f. 24-3-1999.

11.Substituted for the words "Government or an officer authorised by Government" by Act 14 of1999, w.e.f. 24-3-1999. " '

12.Sub-sections (9) & (10) added by Act 14 of1999, w.e.f. 24-3-1999.

7.DURATIONOF MUNICIPALITIESANDTILLINGUPOFVACANCIES.— (1) Every Municipality, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer.

(2)An election to constitute a Municipality shall be completed,-

(a)before the expiry of its duration specified in sub-section (1); or

(b)before the expiration of a period of six months from the date of its dissolution; as the case may be:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election for constituting the Municipality for such period.

(3) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section(i), had it not be so dissolved.

13[(3 A) A casual vacancy in the office of a Councillor shall be reported directly by the Secretary concerned to the State Election Commission within seven days from the date of occurrence of that vacancy and the Secretary who fails to report so without proper reason shall be punishable with a fine which may extend to one thousand rupees and for which the State Election Commission shall have power to initiate the prosecution steps.]

(4)Election to fill a casual vacancy in the office of a Councillor shall be held by the State Election Commission 13A[within six months], after the occurence of that vacancy;

Provided that it shall not be necessary to hold an election to fill a vacancy, the duration of which is less than six months.

(6) A Councillor elected to fill a casual vacancy shall be eligible to hold office for the remaining term of the person in whose place he was elected.

8.Procedure where no Councillor is elected from any ward of a Municipality.—
(1)Where, for any reason, a Councillor could not be elected from any of the wards, at an election the State Election Commission shall hold an election within three months to elect a Councillor from that ward.

(2) The term of office of a Councillor elected under sub-section(1) shall be co-terminus with the term of the Municipality to which he is elected.

9. **RESERVATIONTOBESUBJECTTO ARTICLE 334.**— Notwithstanding anything contained in section 6 and section 10, reservation of seats in the Municipalities and in the offices of Chairman or Mayor thereof, as the case may be, for the Scheduled Castes or the Scheduled Tribes shall cease to have effect on the expiration of the period fixed in Article 334 for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the State Legislative Assembly:

Provided that nothing in this section shall affect any such reservation in a then existing Municipality until the expiration of its duration or its dissolution, as the case may be. [13]

13. Sub-section (3A) added by Act 14 of 1999, w.e.f. 24-3-1999.

13A. Substituted for "within three months" by Act 8 of 1996, w.e.f. 28-3-

10. MAYOROR CHAIRMANOFA MUNICIPALITY.— (1) There shall be a Chairman in every Town Panchayat and Municipal Council and a Mayor in every Municipal Corporation who shall be elected by the elected Councillors of the respective Municipalities from among themselves, in such manner as may be prescribed. [u][The Chairperson shall be a full-time functionary of the Municipality.]

(2)Such number of the offices of Chairmen of Town Panchayats, Chairmen of Municipal Councils and Mayor of Municipal Corporations shall be reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes by the Government and the offices of the Chairmen of the Town Panchayats, Chairmen of the Municipal Councils and Mayor of the Municipal Corporations so reserved may be allotted by rotation to different Town Panchayats, Municipal Councils or, as the case may be, the Municipal Corporations as the [13][State Election Commission] may, by notification in the Gazette, determine for each general election.

The total number of offices of Chairmen in the Town Panchayats, Chairmen in the Municipal Councils or Mayor of the Municipal Corporations, as the case may be, to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section(2) shall bear as nearly as may be, the same proportion to the total number of offices of Chairmen in the Town Panchayats, Chairmen of the Municipal Councils or Mayor of the Municipal Corporations, as the case may be, as the population of the Scheduled Casts or as the case may be, the Scheduled Tribes, in the Municipalities in the Slate bear to the total population of the Municipalities.

(4)Not less than one-third of the offices of the Chairpersons in the Town Panchayats, Municipal Councils and Municipal Corporations reserved under sub-section (2), shall be [16]fset apart by Government for women belonging to Scheduled Castes, or as the case may be, Scheduled Tribes and for each general election the seats so reserved shall be allotted by the State Election Commission, by notifications in the Gazette, to different Town Panchayats or Municipal Councils or Municipal Corporations, as the case may be, by rotation]:

Provided that where the number of offices of Chairpersons reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes under sub-section (2) is one, that seat need not be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

(5) Not less than one-third of the total number of offices of the Chairpersons in the Town Panchayats, Municipal Councils and Municipal Corporations, [17]shall be reserved for women by the Government and the seats so reserved [18]fshall be allotted] by the State Election Commission] * [including those reserved under sub-section (4)], by rotation to different Town Panchayats, Municipal Councils and Municipal Corporations, as the case may be.

(6)Procedure of rotation under sub-section(2) and sub-section(5) shall begin from the Municipality having the highest percentage of population of the Scheduled Castes or Scheduled Tribes or women as the case may be, and thereafter to the Municipality having the next higher percentage of population and shall be so continued in like manner:

Provided that if the Municipality, the office of Chairperson of which is eligible for reservation for women is the same as the Municipality the office of Chairperson of which is to be reserved for the Scheduled Castes or Scheduled Tribes, then, in reserving the office of Chairperson priority shall be given to persons belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes and *in lieu,* the office of the Chairperson of the Municipality, having the next higher percentage of women population in turn shall be reserved for women. [14] [15]

14. Added by Act 14 of 1999, with effect from 1-10-2000.

15.Substituted for the words "Government or an officer authorised by them" by Act 14 of 1999. w.e.f. 24-3-1999.

[19][Provided further that in Municipalities where the office of the Chairperson is to be reserved for women belonging to Scheduled Castes or Scheduled Tribes and in Municipalities the highest percentage of population is women, the office of the Chairperson shall be reserved for women belonging to Scheduled Castes or Scheduled Tribes by rotation,]

(7)No person shall be eligible for being elected as Chairperson unless-

(1) he is elected as Councillor;

(ii) in the case of offices of Chairpersons reserved for the Scheduled Castes or the Scheduled Tribes, he himself is a member of any of the Scheduled Castes or the Scheduled Tribes;

(iii) in the case of office of Chairperson reserved for women, such person is a woman.

20[(8) The term of office of a Chairperson shall be co-terminus with that of his term as a Councillor unless he resigns or becomes disqualified to hold the office of a Councillor.]

11. DEPUTY CHAIRPERSONSOFTHE MUNICIPALITIES.— (1) There shall be a Vice-Chairman in every Town Panchayat and Municipal Council and a Deputy Mayor in every Municipal Corporation who shall be elected by the elected Councillors of the respective Municipalities from among themselves in such manner as may be prescribed.

(2) A Deputy Chairperson shall be deemed to have vacated his office-

CD on his ceasing to be a Councillor on the expiry of his term of office or otherwise; or

(ii) on his election as Chairperson.

(3) Where the office of a Chairperson is vacant, the Deputy Chairperson shall exercise the powers and discharge the duties of the Chairperson until a newly elected Chairperson assumes office.

(4)(a) Where the office of a Chairperson is vacant and there is vacancy in the office of Deputy Chairperson or the Deputy Chairperson has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the Chairman of the Standing Committees in the order referred to in sub-sectionCl) of section 20 shall, until a new Chairperson or Deputy Chairperson is elected and assumes office, or the Deputy Chairperson returns to jurisdiction or recovers from his incapacity, as the case may be, shall exercise the powers and perform the functions of the Chairperson.

(b)Where a Chairperson has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is vacancy in the office of the Deputy Chairperson or the Deputy Chairperson has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and 21[x x x x], the Chairmen of the Standing Committees in the order referred in sub-section (1) of section 20 shall exercise the powers and perform the functions of the Chairperson until the Deputy Chairperson returns to jurisdiction or recovers from his incapacity, as the case may be. 16 17 18 19

16.Substituted for the words "set apart for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes" by Act 14 of1999, w.e.f. 24-3-1999.

17.Substituted for the words "as the case may be, shall be reserved for women and may be allotted by the Government" by Act 14 of1999, w.e.f. 24-3-1999.

18.Substituted for the words "may be allotted by the Government" by Act 14 of1999, w.e.f. 24-3-1999. ' ' '

** Inserted by Act 8 of 1995.*

19.Further proviso added by Act 14 of1999, w.e.f. 24-3-1999.

(c) Where there are no Chairmen of Standing Committees to hold the office of the Chairpersons as provided under clauses (a) and (b), an elected Councillor nominated by the Government shall exercise the powers and perform the duties of the Chairperson of the Municipality for the period referred to in the said clause.

12.Election of the Chairperson and Deputy Chairperson.-

(1) The meeting to elect the Chairperson or Deputy Chairperson shall be convened within three weeks from the date of publication of the names of the elected Councillors, by the State Election Commission, on such date as may be fixed by the State Election Commission.

(2)The State Election Commission shall designate or nominate an officer of the Government as the returning officer for the election of the Chairperson or Deputy Chairperson.

(3)It shall be the duty of the returning officer to do all such acts and things as are necessary for the efficient conduct of the election, in the manner prescribed.

21A[(3A) Election shall be by means of open ballot and the Councillor who casts his vote shall write his name and affix his signature on the reverse side of the ballot paper.]

(4)The State Election Commission shall publish the result of the election of the Chairperson and Deputy Chairperson, in such manner as may be prescribed.

(5)Where the Chairperson or the Deputy Chairperson could not be elected at an election conducted in accordance with this Act, a fresh election [22 shall be conducted within forty-five days] for the election of the Chairperson or Deputy Chairperson, as the case may be.

(6)Where any dispute arises as to the validity of the election of the Chairperson or Deputy Chairperson of a Municipality any Councillor of that Municipality may file a petition before the District Court having jurisdiction over the area of the headquarters of that Municipality, for decision and such decision shall be final.

23[(6A) The validity of election of the Chairperson or Deputy Chairperson shall not be called in question on the ground of any vacancy of the office of the Councillors or any of the Councillor was absent in the election meeting.]

(7)Every petition referred to in sub-section (6) shall be disposed of in accordance with the procedure

be reported by the Secretary to the State Election Commission, in such manner as may be prescribed, and the State Election Commission shall, in accordance with the provisions of this Act, take steps for the election of a Chairperson or Deputy Chairperson, as the case may be.

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#[(8A) The State Election Commission may declare the office of the Chairperson or Deputy Chairperson, as vacated on his own motion where the person not, entered upon his office, without sufficient cause, by taking oath or affirmation within a period of fifteen days from the date he was declare elected as such as Chairperson or Deputy Chairperson.]

***[13. @[Honorarium and Allowances] to Chairperson, Deputy Chairperson and Councillors of Municipalities.— (1)**

The Chairperson, Deputy Chairperson and other Councillors

of a Municipality shall be paid @ [honorarium and allowances] of such rates as may be prescribed.

(2) The Chairperson and Deputy Chairperson of a Municipality shall be eligible while travelling in public purpose for travelling allowances and daily allowance at such rates as may be prescribed.]

20.*Subsection (8)substituted by Act 14 of 1999,w.e.f 24-3-1999.*

21. *The words "the Chairperson has not delegated his functions to any Councillor under sub-section (3) of section 18" omitted by Act 14 of 1999. w.e.f. 24-3-1999.*

 # Inserted by Act 34 of 2005

(b)**14. FUNCTIONSOFTHE CHAIRPERSON.**— The Chairperson of a Municipality shall-(a) convene the meetings of the Council;

(c)exercise the powers and discharge the duties specifically conferred or imposed on him by this Act; and

(d)exercise overall supervision over the working of the Municipality and shall co ordinate the functions of the Municipality, the Secretary and the Committees thereof.

15. POWERSOF CHAIRPERSON.— (1) Subject to the provisions of this Act, the Chairperson shall have powers of inspection and may give such directions and orders as he thinks fit with regard to the implementation of any resolution of the Council or Committees in the discharge of any function of a Municipality and the Secretary shall be bound to comply with such direction.

(2)Except as otherwise provided in this Act or thereunder, the administrative powers to implement the provisions of this Act and the resolutions passed by a Council, shall be vested in the Chairperson and he shall be directly responsible for the proper discharge of the functions imposed by or under this Act.

(3)Without prejudice to the generality of the foregoing provisions the Chairperson shall-

(a)preside over and control the proceedings of the meetings of the council of the Municipality of which he is the Chairperson;

(b)supervise and control the acts done and steps taken by the officers and employees of the Municipality, prepare the confidential report of the Secretary and also review the confidential reports prepared by the Secretary in respect of other employees;

(c)meet the contingent expenses to such extent, as may be fixed by the Government from time to time;

(d)authorise the payment and repayment of money relating to the Municipality;

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

(f) exercise such other powers and perform such other functions that may be conferred or entrusted under the provisions of this Act or the rules made thereunder.

(4)The Chairperson may, in emergent circumstances, direct the execution of any work or performance of any act, in respect of which sanction of the Council is necessary and in his opinion the immediate execution or performance of which is necessary for the safety of the public and may also direct that the expenses incurred for the execution of such work or performance of such act be paid from the fund of the Municipality;

Provided that,—

(a)no act shall be done under this section in contravention of any decision of the Council prohibiting the execution of any work in the performance of any particular act; and

(b)the steps taken under this sub-section and the reasons therefor shall be reported at the next meeting of the Council and its approval obtained.

21 A. Sub-section (3A) added by Act 11 of 1999, w.e.f. 2-10-1995.

22.Substituted for the words "shall be conducted within six months" by Act 14 of 1999, w.e.f. 24-3-1999. 23.Sub-section (6A) added by Act 14 of 1999, w.e.f. 24-3-1999.

* Substituted by Act 8 of 1995.

@ Substituted for "allowances" by Act 8 of 1996, w.e.f. 1-10-1995.

24[(5) The Chairperson shall call the Secretary or any officer or employee under the control of Municipality including the Government Officer or employee transferred by the Government to the service of the Municipality to discuss with him on any matters relating to the functions and administration of the Municipality which are vested in or delegated to the Municipality by or under this Act, and it shall be the duty of such officer or employee to attend such discussion or the meetings convened by the Chairperson.

(6)The Chairperson shall have the power to suspend from service any officer or employee in the service of Municipality if necessary, other than the Secretary and other Government Officers in the Gazetted rank, transferred to the service of the Municipality, where disciplinary action have to be taken against them, on grounds of gross negligence of duty, dereliction of duty and violation of rules and standing orders:

Provided that the Chairperson shall place the order of suspension before the Council in its next meeting and get the order ratified by the Council, failing which the order shall stand invalid.

(7) The Chairperson shall have the power to call for from the Secretary or any other officer under the Municipality, any file and record in writing relating to the administration of the Municipality and issue directions and orders thereon in accordance with the provisions of this Act, rules or standing orders made thereunder:

Provided that the Chairperson shall not call for the files and records which are related to the exercise of statutory functions regarding Municipal Administration vested only in the Secretary or any other officer.

(8)The Chairperson shall refer to the Government for decision at once, any resolution passed by the council which in his opinion has not been legally passed or is in excess of power conferred by this Act or any other law or if carried out is likely to endanger human life or health or public safety.]

16. ACCESSTORECORDSANDCHANNELOFCORRESPONDENCE. — (1) The Chairperson shall have power to inspect all records of the Municipality and direct the Secretary to submit such records as he thinks necessary, for inspection.

25[(2) All official correspondence from the Secretary to the Government and to any other authority not below the rank of district level officer of the Government and vice- versa, shall be routed through the Chairperson:

Provided that all correspondences to the Government or other local authorities except that the Chairperson by general or special order authorises the Secretary in this behalf shall have the approval of Signature of the Chairperson:

Provided also that where the correspondences are in respect of a resolution of the council passed in contravention to any of the provisions in this Act or Rules and to furnish any information or statement or record as requested by the Government, the Secretary may address the Government directly.]

The Chairperson shall be bound to transmit all the communications addressed through him by the Secretary to the Government or other authority, as the case may be, and *vice versa,* as early as possible. 24 25

24.Sub- sections (5), (6), (7) & (8) added by Act 14 of1999, w.e.f 24-3-1999

25,Sub-section (2) substituted by Act 14 of1999, w.e.f. 24-3-1999.

17.The Chairperson to be a member of every Committee.—TheChairperson shall be an *ex-officio* member of every Committee of a Municipality and shall have all powers of a member of such Committee except the right to vote.

18.Delegation and devolution of functions of Chairperson.— (1) The Chairperson may, by order in writing, delegate any of his functions to the Deputy Chairperson:

Provided that he shall not delegate any of his functions which the Council expressly prohibits him from delegating.

(2)Where the Chairperson is continuously absent from jurisdiction formore than fifteen days or is incapacitated, his functions shall, during such absence or incapacity, devolve on the Deputy Chairperson:

Provided that where the Chairperson is within the State during such absence and is on business connected with the affairs of the Municipality, his functions shall not devolve on the Deputy Chairperson.

(3) Where the Deputy Chairperson also is continuously absent from jurisdiction for more than fifteen days or is incapacitated or the office of the Deputy Chairperson is vacant, *[the Chairperson shall, by an order in writing, delegate his functions to Chairman of Standing Committee] shall, in the order specified in sub-section(1) of Section 20.

(4)Every order made under sub-section (3) shall be communicated forthwith to the Council.

(5) Where an order of delegation of functions of Chairperson made under sub-section(3) is in force, no further delegation of any function shall be made in favour of any Chairman of Standing Committee other than the Councillor in whose favour such order was made.

(6) The discharge of [26][the functions delegated under sub-section (1) or sub-section (3) and of the functions devolved under sub-section (2)], shall be subject to such restrictions, limitations and conditions, as may be laid down by the Chairperson and shall also be subject to his control and revision.

(7) The Chairperson may, by an order in writing, delegate to the Secretary the powers and functions vested in him to meet the expenses relating to administration.

19. MOTIONOFNO-CONFIDENCE.— (1) A motion expressing want of confidence in the Chairperson or Deputy Chairperson [27][x x x] may be moved in accordance with the procedure laid down in this section.

(2) Written notice of the intention to make the motion in such form, as may be prescribed, signed by such number of elected Councillors as shall constitute not less than one-third of the sanctioned strength of the Council together with a copy of the motion which is proposed to be made, shall be delivered by any one of the Councillors signing the notice, in person to the officer authorised by the [27A][State Election Commission] in this behalf.

* Substituted by Act 8 of 1995.

26.Substituted for "the functions delegated under sub-section(1) and of the functions devolved under sub-section(2) or sub-section(3)" by Act 14 of 1999, w.e.f. 24-3-1999.

27.The words "or the Chairman of a Standing Committee" omitted by Act 14 of 1999, w.e.f. 24-3-1999.

27A.Substituted for "Government" by Act 14 of 2000, w.e.f. 18-1-2000.

(3)The Officer authorised under sub-section(2) shall, thereupon, convene a meeting of the elected Councillors of the Council for consideration of the motion, to be held at the office of the Municipality at a time appointed by him which shall not be later than fifteen days from the date on which the notice under the said subsection was delivered to him. He shall give to the elected Councillors notice of not less than ten clear days of such meeting and of the time appointed therefor and shall exhibit the said notice in the Municipal Office,

[28][(4) The meeting convened under this section shall be presided over by an officer authorised by the "State Election Commission" under sub-section (2)]

[39][(4A) x x x x]

(5)A meeting convened for considering a motion under this section shall not except for reasons beyond control, be adjourned.

(6) As soon as the meeting commences, the person presiding shall read at the meeting the motion for the consideration of which it has been convened, and declare it to be open for debate.

(7) A debate under sub-section{6) shall not, except for reasons beyond control, be adjourned.

**[(8) The Officer presiding over the meeting shall not speak on the merits and demerits of the motion and shall not be entitled to vote]

(9)The debate shall automatically terminate on the expiry of four hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of four hours, as the case may be, the motion shall be put to vote, [29A][which shall be by means of open ballot and the Councillor who casts his vote shall write his name and affix his signature on the reverse side of the ballot paper.]

10. On the conclusion or the termination, as the case may be, of the meeting, a copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon [30][and a report on the proceedings of the meeting shall forthwith be forwarded to the Government by the officer authorised under sub-section (2)] by the person who presided over the meeting to the Government.

[31][(11) If the resolution is passed with the support of the majority of the sanctioned strength of Councillors of the Municipality notified under Section 6, after that the Chairperson or the Deputy Chairperson, as the case may be, shall cease to hold office and such office shall be deemed to fall vacant forthwith and the officer authorised under sub-section (2) shall report to the Government and the State Election Commission the vacancy in the said posts and shall cause to publish the fact in the notice board of the Municipality and the Government immediately on receipt of such report shall notify in the Gazette, the cessation of office by the Chairperson of Deputy Chairperson as the case may be.]

28. Sub-section (4) Substituted by Act 14 of 2000, w.e.f. 18-1-2000.

29. Sub-section (4A) omitted by Act 14 of 2000, w.e.f. 18-1-2000.
29A.Substituted by the Act 11 of 1999, w.e.f 2-10-1995.
30.Substituted by the Act 14 of 1999, w.e.f 2-10-1999
** Section 8 shall be substituted by the Third Amendment Act 33 of 2005, w.e.f 24.8.2005
12 *

(12) If the motion is not carried by a majority as specified in sub-section(11), or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Chairperson or the Deputy Chairperson -12[x x xx], asthe case may be, shall be entertained until after the expiry of six months from the date ofthe meeting.

No notice of a motion under this section shall be entertained within six months of the assumption of office by a Chairperson or a Deputy Chairperson 30 * 32 33 34 35[x x x],as the case may be.

STANDING COMMITTEES

•14[20. Standing Committees.— In every Municipality there shall be constituted Standing Committees as follows, namely:—

(A) in a Town Panchayat

(B) in a Municipal Council

(C) in a Municipal Corporation

(1)Standing Committee for Finance

(2)Standing Committee for Development (3)Standing Committee for Welfare

1.Standing Committee for Finance
2.Standing Committee for Developm
3.Standing Committee for Welfare
4.Standing Committee for Health Education 5.Standing Committee for Works

1. Standing Committee for Finance
2.Standing Committee for Development
3. Standing Committee for Welfare
4. Standing Committee for Health Education
5.Standing Committee for Works
6.Standing Committee for Town Planning
7.Standing Committee for Appeal relating to Tax]

35[21. Constitution and Election to the Standing Committee.— (I) Every Standing Committee shall consist of such number of members as may be decided by the Council including its Chairman and it shall be in such a manner that every Councillor, except the Chairperson and the Deputy Chairperson shall be elected as a member of any one of the Standing Committee and the number of members to be elected to each Standing Committee shall, as far as possible, be equal.

30.Substituted for the words "shall forthwith be forwarded" by Act 14 of1999, w.e.f. 24-3-1999.
31.Sub-section (11) substituted by Act 14 of1999, w.e.f. 24-3-1999.
32.The words "or the Chairman of the Standing Committee" omitted by Act 14 of1999, w.e.f. 24-3-1999. 33. The words "or the Chairman of a Standing Committee" omitted by Act 14 of 1999, w.e.f. 24-3-1999. 34.Section 20 substituted by Act 14 of 1999.
35. Section 21 substituted by Act 14 of1999 with effect from 1-10-2000.

(2) The number of members of each Standing Committee as decided by the Council under sub-section (1) shall not be changed during the tenure of the Council.

(3) In every Standing Committee, there shall be members elected by the councillors from among themselves under the proportional representation system by single transferable vote and no Councillor shall be a member of more than one Standing Committee at the same time.

(4) The Chairman of any Standing Committee other than the Standing Committee for Finance shall be elected by the members of the respective Standing Committee from among themselves.

(5) The Deputy Chairperson shall be the ex-officio member and the Chairman of the Standing Committee for Finance.

(6) The Chairperson shall be an ex-officio member of every Standing Committee without any right to vote.

(7) A Councillor elected as a member or Chairman of a Standing Committee shall

hold office as the member or Chairman of that Committee till the expiry of his term of office as Councillor unless he resigns from such office.

(8) The election to fill up a casual vacancy of a member of the Standing Committee shall be held within thirty days from the date of occurence of such vacancy:

Provided that in cases where the vacancy in a Standing Committee cannot be filled up due to the vacancy in the place of a Councillor, the vacancy in the Standing Committee shall be filled up within thirty days from the dale of filling up of the vacancy of the Councillor.

(9) Subject to the conditions and proceedings prescribed, a motion of no-confidence in respect of the Chairman of Standing Committee, other than the Standing Committee for Finance may be moved and such a motion, if passed, with the support of not less than a majority of the total number of 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 that Standing Committee] [36]

[36][22. **Function of the Standing Committee.**— (1) The powers and functions of the Standing Committees of the Municipality shall be as follows, namely:—

(a)The Standing Committee for Finance in a Town Panchayat,—

(i) shall supervise the utilisation of the budget grants and watch carefully the timely assessment and collection of taxes, fees, rents or other sums due to the Town Panchayat;

(ii)shall inspect frequently the, accounts of the Town Panchayat;

(iii) shall watch carefully the release of the grant by the Government and its proper utilisation;

(iv) shall conduct monthly audit of the accounts and check the. monthly demand, collection and balance and abstract of receipts and expenditure of the proceeding month as furnished by the Secretary.

36. Section 22 substituted by Act 14 of 1999 with effect from 1-10-2000.

(v) may, subject to such rules as may be prescribed, write off such sums due to the Council as appears to the Committee as irrecoverable;

(vi)shall scrutinise the annual statement of accounts, demands collection and balance:

(vii)shall prepare and present the budget estimates before the council as provided under Section 286;

(viii)shall verify whether any amount prepared to be expended by the Town Panchayat is within the budget provision approved by the Council and whether there is sufficient fund for this purpose;

(ix) shall enquire in to the allegations against the employees of the Town Panchayat, if directed by the Council and to bring the result of it into the notice of the Council;

(x) shall dispose of appeals on taxation and to give directions to the Secretary to levy tax in respect of cases which escaped assessment and to reassess undervalued cases.

(b)The Standing Committee for Development of the Town Panchayat shall deal with matters of agriculture, soil conservation, social forestry, " dairy development, animal husbandry, minor irrigation, fisheries, small scale industry, institutional finance, public works, housing, town planning including regulation of building constructions, environment electricity, water supply, drainage and sewage and shall prepare the development plan for the Town Panchayat integrating socio-economic and spatial plans;

(c)The Standing Committee for Welfare of the Town Panchayat shall deal with matters relating to the Welfare of Women and Children, development of scheduled caste and scheduled tribes, social welfare, social security pensions and financial assistance, slum improvement poverty alleviation, public distribution system, public health and health services sanitation, education, arts and culture and sports;

(d)The Standing Committee for Finance of Municipal Council,—

(i) shall supervise the utilization of the budget grants and watch carefully the timely assessment and collection of taxes, fees, rents and other sums due to the Municipal Council;

(ii)shall inspect frequently the accounts of the Municipal Council;

(iii)shall watch carefully the release of grants by the Government and its proper utilization

(iv)shall conduct monthly audit of accounts and check the monthly demand, collection and balance and abstract of receipts and expenditure of the preceding month as furnished by the Secretary;

(v) may, subject to such rules as may be prescribed, write off such sums due to the Council as appear to the Committee as irrecoverable;

(vi)shall scrutinize the annual accounts, demands, collection and balance;

(vii)shall prepare and present the budget estimate before the council under Section 286;

(viii)shall verify whether any amount proposed to be expended by the Municipal Council is within the budget provision approved by the Council and whether there is sufficient fund for this purpose;

(ix) shall enquire into the allegations against the employees of the Municipal Council if directed by the Council and to bring the result of it to the notice of the Council;

(x) shall dispose of appeals on taxation and to give directions to the Secretary to levy tax in respect of cases which escaped assessment and to reassess undervalued cases

(e)The Standing Committee for Development of the Municipal Council shall deal with matters of agriculture, soil conservation, social forestry, animal husbandry, dairy development, minor irrigation, fisheries, small scale industry, co-operation and institutional finance and shall prepare the development plans for the Municipal Council integrating the proposals of other Standing Committees;

(e)The Standing Committee for Welfare of the Municipal Council shall deal with matters relating to the welfare of women and children, development of scheduled castes and scheduled tribes, social welfare, social security pension and financial assistance, poverty alleviation, slum improvement and public distribution system;

(f) The Standing Committee for Health and Education of the Municipal Council shall deal with the matters of public health and health services, sanitation, control of dangerous and offensive trade, education, art, culture and sports etc.;

(h)The Standing Committee for Works of the Municipal Council shall deal with matters of public works, housing, town planning including regulation of building constructions, environment, electricity, water supply, drainage and sewerage;

(i) The Standing Committee for Finance of the Municipal Corporation,—

(i)shall supervise the utilization of budget grants and watch carefully the timely assessment and collection of taxes, fees, rents and other sums due to the Municipal Corporation;

(ii)shall inspect frequently the accounts of Municipal Corporation;

(iii)shall watch carefully the release of grants from the Government and its proper utilization;

(i v) shall conduct monthly audit of accounts and check the monthly demand, collection and balance and abstract of receipts and expenditure of the preceding month as furnished by the Secretary;

(v)may, subject to such rules as may be prescribed, write off the sums due to the Council as appears to the Committee as irrecoverable;

(vi) shall scrutinise the annual accounts, demands, collection and balance;

(vii)shall prepare and present the budget estimate before the Council under Section 286;

(viii) shall verify whether any amount proposed to be expended by the Municipal Corporation is within the budget provisions approved by the Council and whether there is sufficient fund for this purpose;

(ix) shall enquire into the allegations against the employees of the Municipal Corporation if directed by the Council and bring the result of it to the notice of the Council;

(j)The Standing Committee for development of the Municipal Corporation shall deal with matters of agriculture, soil conservation, social forestry, animal husbandry, dairy development, minor irrigation, fisheries, small scale industries, co-operation, institutional finance and prepare the development plans of the Municipal Corporation integrating the proposal of other Standing Committees;

(k)The Standing Committee for Welfare of the Municipal Corporation shall deal with matters of Welfare of women and children, development of Scheduled Caste and Scheduled Tribe, Social Welfare, Social Security Pension and Financial Assistance, Slum improvement,
** ["poverty eradication"] and Public distribution system;

(l) The Standing Committee for Health and Education of the Municipal Corporation shall deal with

matters of public health and health services, sanitation, education and sports;

(m)The Standing Committee for Works of the Municipal Corporation shall deal with matters of public works, housing, electricity, water supply, drainage and sewerage;

(n) The Standing Committee for Town-Planning of the Municipal Corporation shall deal with matters of town planning including regulation of building constructions, environment, urban beautification, promotion of art and culture and preservation of monuments and places and buildings of archaic importance; heritage value and natural beauty;

** Inserted "poverty eradication " by Third Amendment Act 33 of 2005, w.e.f 24-08-2005

(o) The Standing Committee for Appeal relating to Tax of the Municipal Corporation shall dispose of appeals on taxation and give directions to the Secretary to levy tax in respect of cases which escaped assessment and to reassess under valued cases.

(2) The Standing Committee of the Municipalities may, exercise such other powers and discharge such other functions as entrusted to it by the Council in the respective subjects in addition to the powers and functions conferred on it under sub-section (1).

(3) Every resolution passed by the Standing Committee shall be placed in the next meeting of the Council and the Council shall have power to modify the same if found necessary]

23.STEERING COMMITTEE.— [37][(1) In every Municipality there shall be a Steering

Committee consisting of the Chairperson, Deputy Chairperson, and Chairmen of

Standing Committees and Chairperson shall be the Chairman of the said Committee.]

(2 Steering Committee shall,-

) co-ordinate and monitor the functioning of the Standing Committees, [38][(b) xxx]

(a) discharge the powers and functions entrusted to it by the Council. [19][24. x x x x]

(c)

25. Committee's power to call for records etc.— Notwithstanding anything contained in this Act, a Standing Committee may , for the discharge of the functions assigned to it, require the Secretary or any other employee of the Municipality to produce any record, report, return, document and other particulars and may require him to be present at the meeting of the Committee for seeking further information, as it may deem fit, and he shall be bound to comply with such requisition.

26.[40][Functions of the Chairman of the Standing Committee].— [41][(1), (2) x x x]

[42][(1)] The Chairman of a Standing Committee shall preside at its meetings and in his absence, a member chosen by the members present from among themselves shall preside over the meeting.

(2)A member presiding at a meeting of the Standing Committee shall, while so presiding, have all the powers and be subject to all the obligations of the Chairman.

(3) The person presiding over the meeting shall control the meeting and shall decide all points of order and procedure arising at or in connection with a meeting.

27. Term of office of Chairman of Standing Committee.— (1) The Chairman of a Standing Committee, ""[other than that of a Standing Committee for Finance] may, unless sooner resigns, hold office as such so long as he continues as a member of that Committee.

(2) Where a vacancy occurs in the office of a Chairman referred to in sub-section(l), the Standing Committee shall at its next meeting, elect a member to be its Chairman. 37 38 39 40 * 42 43

37. Sub-section (1) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

38.Clause (b) omitted by Act 14 of1999, w.e.f. 24-3-1999.

39.Section 24 omitted by Act 14 of 1999, w.e.f. 24-3-1999.

40.Substituted for the marginal heading "Election of Chairman of Standing Committee and its Presidency" by Act 14 of1999, w.e.f. 24-3-1999.

Sub-section (1) & (2) omitted by Act 14 of1999, w.e.f. 24-3-1999

42.Sub-sections (3), (4) & (5) renumbered as Sub-sections (1) (2) & (3) after omitting sub-section (1) & (2) by Act 14 of1999, w.e.f. 24-3-1999-

43.Substituted for "other than that of a Standing Committee for Taxation, Finance and Accounts" by Act 14 of1999, w.e.f. 24-3-1999.

(3) A member elected under sub-section (2) shall hold office for the remaining term of office of the person in whose place he was elected.

(4)Where a vacancy occurs in the office of Chairman [44][of a Standing Committee for Finance], a member chosen by the members of that Committee from among themselves shall act as Chairman until a person to fill the vacancy is elected.

[45][**28. POWERTORESIGN.**— (1) 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 his Chairmanship or membership, as the case may be, of the Standing Committee by tendering resignation to the Secretary in the form prescribed and the resignation shall take effect from the date of its receipt by the Secretary and the Secretary shall report the fact forthwith to the Chairperson and the Council.

(2)The person who resigns his membership or chairmanship ofthe Standing Committee may,either tender his resignation directly or send through registeredpost if such resignation letter is attested by a gazetted officer, as the case may be, to the Secretary and the Secretary shall acknowledge receipt of the same.

(3) If a Standing Committee cannot function effectively due to the resignation of the majority of the members therefrom, or due to any other reason, the powers and functions of that Standing Committee shall vest in the Steering Committee till its reconstitution]

THE COUNCIL

29. ADMINISTRATIONOF MUNICIPALITY.— Subject to the provisions of this Act, the Administration of the Municipality shall vest in the Council, and the Council shall, if necessary, be entitled to exercise, in the manner prescribed, the functions expressly assigned by or under this Act or any other law to the Chairperson, the Secretary, a Standing Committee or any other Committee.

30. POWERS, FUNCTIONSANDRESPONSIBILITIESOF MUNICIPALITY.— [46][(1) The administration of a Municipal area in respect of the matters enumerated in the First Schedule shall, subject to the provisions of this Act and such other provisions as may be prescribed in this behalf and the provisions of other Acts and the rules made thereunder vest in the Municipality and it shall have the power and responsibility to prepare and implement schemes for economic development and social justice in relation to the matters enumerated in the First Schedule:

Provided that, it shall be the duty of the Municipality to render necessary service to the inhabitants of the Municipal area in respect of the matters enumerated as mandatory functions in the First Schedule];

(2) Municipality shall have such powers, authority and responsibilities of the Government [47][as prescribed], to enable it to function as an institution of self government in respect of the matters entrusted to it.

(3) The Government shall, as soon as may be after the coming into force of this Act, transfer all institutions, schemes, buildings, other properties, assets and liabilities connected with the matters mentioned in the First Schedule, to the Municipalities concerned.

(4) The Central and State Plan allocations, for the time being in force and the annual budget allocation in respect of the subjects transferred to the Municipalities by the Government shall be wholly allotted to the respective Municipalities. 44 45 46

44. Substituted for "of a Standing Committee for Taxation, Finance and Accounts" by Act 14 of1999, w.e.f 24-3-1999.

45.Section 28 substituted by Act 14 of1999, w.e.f. 24-3-1999.
46.Sub-section (1) substituted by Act 14 of1999, w.e.f. 24-3-1999.

[48][(5) The municipality shall manage to institutions and administer the schemes transferred to it, subject to the guidelines and technical directions from the Government and in accordance with the State and National policies.

(6)Every institutions transferred by Government to the Municipality shall be in the name of that Municipality and shall be known accordingly.

(7)The Municipality shall not have power to sell, transfer, alienate or mortgage any property transferred to it under sub-section (3).

(8)Government may resume any property transferred to the Municipality, if it is no more required by the Municipality for the purpose for which it was so transferred.

(9)There shall be constituted a Managing Committee consisting of not more than fifteen members including its chairman in the prescribed manner for public health institutions transferred to the Municipality.

(10)Where any scheme, project or plan involves selection of beneficiaries, the criterion for the eligibility and priority for such selection shall be determined by the Municipality subject to the terms and conditions of the scheme, project or plan and such criteria shall be published in the prescribed manner and shall be intimated to the Ward Committee or the Ward Sabha concerned.

(11) The Municipality shall invite applications for the selection of beneficiaries and prepare the draft priority list after making enquiry on the applications received in this behalf and send it for the consideration of the Ward Committee or the Ward Sabha concerned.

(12)The Ward Committee or the Ward Sabha shall scrutinise the draft priority list for the selection of beneficiaries in a meeting convened inviting the applicants also and prepare the final list and forward it for the approval of the council.

(13)The Council shall not alter the priority of the list prepared by the Ward Committee or the Ward Sabha.]

31. RIGHTSAND POWERSOF COUNCILLORS.— (1) Every Councillor of a Municipality shall have the right -

(a) [49][to call the attention of the Chairperson or Secretary of the Municipality to any neglect in the execution of municipal work, to any waste of municipal property, or to the needs of any locality in the municipal area, to inspect the works or schemes conducted by the Municipality] and may suggest improvements which may appear to him desirable;

(b) to move resolutions and to interpellate the Chairperson on matters connected with the Administration of a municipality subject to such regulations, as may be framed by the Council;

(c) of access to the records of the Municipality during office hours after due notice to the Secretary, provided that the Commissioner may, with the approval of the Chairperson, for reasons given in writing, refuse such access.

32. COUNCIL'SPOWERTOCALLFORRECORDS.— The Council may, at any time, require the Secretary to produce any record or document, in his custody relating to the Municipality.

33.Councils's power to call for records of Committees.— The Council may, at any time, call for any extract from the proceedings of the Standing Committees or of any other committees or any return, statement, account or report relating to any matter which such committee is empowered to deal with and every such requisition shall be complied with by the Secretary. [47] [48]

47. Substituted for "as may be necessary" by Act 14 of1999, w.e.f 24-3-1999. 48.Sub-sections (5) to (13) added by Act 14 of1999, w.e.f. 24-3-1999.

34.Obligation of the Standing Committee etc., to carry out Council's resolutions. — Every Standing Committee, other committees and the Secretary shall be bound to give effect to every resolution of the Council unless such resolution is suspended or cancelled,

35.APPOINTMENTOF COMMITTEES.— (1) The Council may, subject to the provisions of the Act, constitute Committees for the purpose of exercising such powers, discharging such duties or performing such functions, as it may delegate to them, and may appoint any Councillor or Committee to enquire into and report or advise on any matter referred to him or it.

(2) The Council may specially invite as members of any Committee, persons who are not Councillors but who may, in the opinion of such council, possess special qualifications for serving in such Committee:

Provided the number of persons so invited shall not, in any case, exceed one-third of the total number of the members of that Committee.

36.RULESAND REGULATIONSFORPROCEEDINGSOFTHE COUNCIL, THE STANDING COMMITTEESANDOTHER COMMITTEES.— (1) The proceedings of the Council, the Standing Committees and other Committees of a Municipality shall be governed by such rules, as may be prescribed, and such regulations, as may be made by such Council in accordance with the model Regulations provided by the Government.

(2)The rules and regulations made under sub-section (1) may contain the following matters, namely:-

(a)the time and place of meetings;

(b)the manner in which notice of meetings shall be given;

(c) the preservation of order and the conduct of proceedings at meetings and enforcing decisions on points of order and taking decisions on disputes and the powers, the Chairperson or Chairman, as the case may be, may exercise;

(d)the division of duties among the members of the Council;

(e)the constitution and procedure of Committees;

(f) fixing the quorum of the Council and Committees;

(g)the delegation of powers, duties or functions to the Chairperson, Chairman, Councillor, or an officer or an employee of the Municipality or to a Committee or to its Chairman or to any of its members; and

(h)any other matter as may be necessary for regulating the proceedings.

(3)Every matter coming before the council for decision shall be decided by the majority of votes of the elected Councillors present and in all cases of an equality of votes, the person presiding over the meeting shall have a casting vote, unless otherwise provided in this Act.

51[(4) Every Councillor present at the meeting, if voted against any resolution passed by the Council, shall have the right to present to the Secretary a dissenting note regarding such resolution, within forty-eight hours of the conclusion of the meeting.

(5)A copy of the minutes of every meeting of the Municipality and copy of the dissenting note, if any, received under sub-section (4) shall be forwarded by the Secretary within ten days after the date of the meeting, to the Government or to the officer authorised by the Government in this behalf.]

49. Substituted for the word by Act 14 of1999, w.e.f. 24-3-1999.

37. CONSTITUTIONANDPROCEEDINGSOFA JOINT COMMITTEE.— (1) The Council of a Municipality may, 50 51 52 *[if the Local Self Government Institutions so decide or if so required by the Government], 51[join with any other Local Self Government Institutions] to constitute a Joint Committee for any purpose in which they are jointly interested or for any matter for which they arejointly responsible.

53[(2) The Joint Committee shall not include any person as member who is not a Councillor or a member of a Panchayat, but any person who in the opinion of the Committee, possesses special qualifications for serving in that Committee, may be allowed to participate as special invitees in the meetings of the committee.]

(3) The Constitution and proceedings of a Joint Committee shall be governed by such regulations as may be made by 54[the Local Self Government institutions concerned with their mutual agreement], which shall include provisions for all or any of the following matters namely:-

(a)the total number of members of a Joint Committee;

(b)the number of Councillors and other persons who shall be members of the Joint Committee;

(c)quorum of the Joint Committee;

(d)the appointment of the Chairman of the Joint Committee and the manner of appointment;

(e)the term of office of the members and the Chairman;

(f) the powers 55[of the Local Self Government Institution concerned] which may be exercised by the Joint Committee; and

(g)the procedure to be followed by the Joint Committee.

(4) 56[The Local Self Government Institutions concerned may, with their mutual agreement], vary or revoke regulations made under sub-section(3).

(5)Notwithstanding anything contained in sub-section(3), Government may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to therein and the Joint Committee shall be bound to comply with such directions.

(6) Where any dispute or difference of opinion arises between 57[the Local Self Government Institutions] in respect of the constitution or functioning of a Joint Committee under this section it shall be referred to the Government, whose decision thereon shall be final.

38. PRESIDENCYOF COUNCIL.- (1) Every meeting of the Council of a Municipality shall be presided over by the Chairperson or in his absence by the Deputy Chairperson or "A[the Chairman of the Standing Committees in the order specified in sub-section(l) of section 20 and in that absence], by a Councillor chosen by the Councillors present from among themselves:

Provided that, where two or more Councillors are proposed and seconded the Secretary, or, in his absence, the officer authorised to perform the functions of the Secretary shall conduct the election in such manner, as may be prescribed.

(2) The Chairperson or the person presiding shall control the meeting and shall decide all points of order arising at or in connection with a meeting. There shall be no discussion on a point of order and the

decision taken by the Chairperson or the person presiding shall, save as otherwise provided in this Act, be final.

50.Sub-section (4) substituted by Act 14 of1999, w.e.f. 24-3-1999. 51.Substituted for the word by Act 14 of 1999, w.e.f. 24-3-1999. 52.Substituted for the word by Act 14 of1999, w.e.f. 24-3-1999. 53.Sub-section (2) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

3. Where any member behaves in a disorderly manner and causes obstructions to the Conduct of a meeting, the Chairperson or the person presiding shall direct such member to withdraw forthwith and if disobeyed, he shall be suspended from the meeting [57B][for the day by the Chairperson or the person presidingl and the member suspended shall, immediately thereafter withdraw from the meeting, failing which he shall be removed by using reasonable force, if necessary:

[57C]**fx x x x]**

(4)The person presiding shall, while so presiding, have all the powers of the Chairperson.

39.Councillor when to abstain from taking part in discussion and voting.— (1)

No Councillor shall vote on, or take part in, a discussion on any question coming up for consideration at a meeting of the Council or any Committee, in which he has any direct or indirect interest.

(2)The Chairperson may prohibit any Councillor from voting, on, or taking part in, the discussion of any matter in which he believes such Councillor to have such interest or he may require such Councillor to absent himself from the meeting during such discussion.

(3) Such Councillor may challenge the decision of the Chairperson who shall, thereupon, put the question to the meeting for a decision which shall be final

(4) Where a Chairperson is believed by a Councillor present at a meeting to have any pecuniary interest in any matter under discussion, he may, if a motion to the effect be carried, be required to absent himself from the meeting during such discussion.

(5) The councillor concerned or the Chairperson shall not be entitled to vote on a question referred to in sub-section (2) of on a motion referred to in sub-section (4), as the case may be.

Explanation.— Chairperson in this section includes a person presiding over the meeting of a Council or a Standing Committee or any other Committee.

[58]**[40. The resignation of the Chairperson, Deputy Chairperson or Councillor.—**

(1)The Chairperson, Deputy Chairperson or any other Councillor of a Municipality may resign his office by tendering resignation to the Secretary of the Municipality in the form prescribed and the resignation shall take effect from the date of its receipt by the Secretary and the Secretary shall report the fact forthwith to the Council and to the State Election Commission.

(2)The Chairperson, Deputy Chairperson or the Councillor who resigns his office may, either tender his resignation directly or send through registered post if such resignation letter is attested by a Gazetted Officer, as the case may be, to the Secretary and the Secretary shall acknowledge receipt of the same.

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

Provided that no such dispute referred after the expiry of fifteen days from the date of effect of the resignation shall not be considered by the State Election Commission] [54 55 56 57 58]

54.Substituted for the word by Act 14 of1999, w.c.f. 24-3-1999. 55.Substituted for the word by Act 14 of1999, w.e.f. 24-3-1999.

56. Substituted for the word Act 14 of1999, w.e.f. 24-3-1999.

57. Substituted for "the Municipalities " by Act 14 of 1999, w.e.f. 24-3-1999. 57A. Substituted by Act 8 of1995, w.e.f. 5-8-1995.

57B. Substituted for the word by Act 14of2000, w.e.f. 18-1-2000.

41.DUTYOF CHAIRPERSON, DEPUTY CHAIRPERSON, ETC., VACATINGOFFICETOHANDOVER CHARGEOFOFFICE.— (1) When a new Chairperson or Deputy Chairperson or Chairman of a Standing Committee is elected or when a special officer or Administrative Committee is appointed, the Chairperson or the Deputy Chairperson or the Chairman of a Standing Committee or Special Officer or Administrative

Committee vacating office shall, as the case may be, hand over charge of their office to the above mentioned persons concerned and shall hand over all records and properties belonging to the Municipality which are in their custody to the persons who so assume charge.

(2)The provisions of sub-section (1) shall, *mutatis mutandis,* apply to the handing over the charge of office by a Councillor vacating his office.

WARD COMMITTEE

[59][42. **CONSTITUTIONOF WARD COMMITTEES.**— In every Municipality where the population exceeds one lakh, there shall be constituted a Ward Committee for each ward of that Municipality as provided in Section 43, within three months from the date of its constitution.

42A. **CONSTITUTIONOF WARD SABHAS.**— (1) In every Municipality where the population does not exceed one lakh, there shall be a Ward Sabha for each of its Ward and all persons included in the electoral roll of that ward shall be members of that Ward Sabha.

(2)The Councillor who represent a Ward shall be Convener of that Ward Sabha, but due to any reason, physical or otherwise, the Convener is unable to perform his function as such the Chairperson may appoint a Councillor representing any adjacent ward as the Convenor.

(3)The Ward Sabha shall meet at least once in three months at a specified place and every meeting of the Ward Sabha shall be presided over by the Chairperson or in his absence, Deputy Chairperson or any Standing Committee Chairman authorised by the Chairperson or in their absence by the Convenor.

(4)The Convenor of the Ward Sabha shall convene an extraordinary meeting of the Ward Sabha within fifteen days when a request is made in writing by not less than ten per cent of the electors in the ward for discussing the matters raised in the request:

Provided that such special meeting shall be convened only once during the period between two ordinary meetings.

(5)The quorum of a ward sabha shall be ten per cent of its total members:

Provided that the quorum of a meeting of a Ward Sabha, postponed for want of quorum, shall be fifty when convened subsequently.

(6)The Convenor shall place before the Ward Sabha, a report on the development programmes relating to the ward during the preceding year and that are proposed to be undertaken during the current year and the expenditure involved therein and a statement of the annual accounts and the administration report of the preceding year.

(7)The officers of the Municipality shall attend the meeting of the Ward Sabha as required by the Chairperson and an officer nominated by the Council as the co-ordinator of the Ward Sabha, shall assist the convenor in convening its meetings, recording its decisions in the minutes book and also in taking follow up action thereon.

59. Section 42 substituted by Sections 42,42A & 42B by Act 14 of1999, w.e.f 24-3-1999

(8)The procedure for convening and conducting the meeting of the Ward Sabha shall be such as may be prescribed.

(9)The Ward Sabha may constitute sub-committees consisting of not less than ten members to assist the implementation of any scheme, policy or decision of the Ward Sabha generally or specially and in furtherance of the rights and responsibilities of Ward Sabha.

(10) Resolution may be passed on majority basis in the meetings of the Ward Sabha in respect of any issue coming within the jurisdiction of the Ward Sabha, but, as far as possible, effort should be made to take decision on the basis of consensus.

42B. CONVENINGOFMEETINGSOFTHEVOTERS.— A Councillor representing a ward in any Municipality having a population of more than one lakh may convene the meeting of the voters whose names are included in the voters list of each ward for giving proposals to the Municipality regarding the formulation of development schemes.]

[60][43. **COMPOSITIONOF WARD COMMITTEE.**— The Ward Committee shall consist of the following members, namely:—

(a)the Councillor of that ward who shall be its Chairman;

(b)fifteen persons to be elected in the manner prescribed, from among the members of the resident's association of that Ward, which are registered in the Municipality;

(c)twenty members to be elected in the manner prescribed from among the members of the registered neighbourhood groups of that Ward which are registered in the Municipality;

(d)one person each nominated by every political party having representation in the Municipality;

(e)the Heads of all recognised educational institutions functioning in that Ward;

(f) twenty persons nominated jointly by the Chairperson and Councillor of the Ward, of whom,—

(i)ten shall be from the persons representing the cultural organisations, voluntary organisations, educational institutions, industrial-commercial establishments which are functioning in that ward;

(ii)five shall be from persons representing those working in that ward as professionals (experts in agriculture, industry, health, education, engineering etc.); and

(iii)five shall be from persons in the registered trade unions:

Provided that, the members nominated under items (i) and (ii) need not be the residents of that ward]

44. MEETINGOFTHE WARD COMMITTEE.— (1) The Ward Committee shall meet at least once in three months for discharging the duties and performing the functions as may be assigned to it by the Council, from time to time.

(2)The meeting of a Ward Committee shall be convened by its Chairman.

(3)The Chairman, or in his absence, a member chosen, by the members present, from among themselves, shall preside over the meeting.

(4)The Secretary and the Heads of Departments in the serives under the Municipality shall attend the meetings of the Ward Committee and produce any document or furnish any information or report required by that Committee.

60. Section 43 substituted by Act 14 of1999, w.e.f. 24-3-1999.

(5) The procedure to be followed in respect of quorum and details of a meeting shall be such as may be prescribed.

61[45. **FUNCTIONSOF WARD COMMITTEESAND WARD SABHAS.**— (1) Ward Committee or Ward Sabha shall subject to such manner and procedure as may be prescribed, exercise and perform the following powers and functions, namely;—

(a) assist the collection and consolidation of details necessary for the formulation of development schemes for the Municipality;

(b)formulate proposals on development schemes to be implemented in the Municipal area, determine the priority and make available information regarding the functional schemes for the next three months;

(c)prepare the final list of eligible beneficiaries in the order of priority by finding out eligible applicants from the Ward area based on the criterion prescribed in respect of the beneficiary oriented schemes and to submit the same to the Municipality;

(d)render necessary assistance for the effective implementation of development schemes providing necessary local facilities;

(e)seek and obtain detailed informations regarding the development programmes implementing in the Ward and observe its implementation in accordance with the directions;

(f)provide and mobilise voluntary service and assistance in cash or kind for social welfare programmes;

(g)prepare the order of priority as to the location of street lights, water taps etc. and of public sanitation Units in the street or at other public places, irrigation facilities and other public utility schemes;

(h)discuss and formulate literacy programmes necessary for the Ward area, formulate schemes for imparting awareness regarding matters of public interest like sanitation, environment protection, pollution control etc" and to give protection from social evils like corruption, false and fabricated transactions etc;

(i)to promote harmony and unity among the people belonging to different sections in the Ward area and to organise arts and sports festivals for promoting goodwill among the people of that area;

(j)to observe and assist the beneficiary committees which are conducting developmental programmes in the Ward;

(k)to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pension and subsidy etc.;

(l)to make aware the people for the prompt payment of taxes, fees, rents and other sums due to the Municipality;

(m) to co-operate with the employees of Ward area in the sanitation arrangements of the area and rendering voluntary service in the removal of garbage;

(n)to encourage the residents of the ward area to plant kitchen gardens and to engage in horticulture activities;

(1)to identify the deficiencies in the systems of water supply, street lighting etc. in the Ward area and to suggest remedial measures;

(p)to identify the lacunae and lapses in following the building rules and in implementing spatial planning;

61. Section 45 substituted by Act 14 of1999, w.e.f 24-3-1999.

(q) to assist the activities of the parent-teacher associations in the schools in the Ward area;

(r) to assist the functioning of public health centres in the ward area; (s) to perform other functions as may be prescribed.

(2)The Ward committee or the Ward Sabha as the case may be, may in its ordinary meeting or in a special meeting convened for the purpose, discuss the development programmes of the previous year and it is entitled to know the amount earmarked in the budget, the details about the plan out-lay and the object-wise allocation of funds and also the details of the estimates and cost of materials of the works executed or proposed to be executed in the Ward.

(3) The audit report or performance audit report coming for the consideration of the Ward Committee or Ward Sabha shall be discussed in its meeting and its opinion, recommendations, and suggestions be communicated to the council concerned.]

[62][**46. DUTIESANDRIGHTSOF WARD COMMITTEESAND WARD SABHAS.**— (1) The Ward Committees and Ward Sabhas shall have the following duties, namely:—

(2)disseminate information regarding the development and welfare activities;

(ii) participate and propagate the programmes regarding health and literacy and other similar time-bound development, programmes;

(iii) Collect essential Socio-economic basic data;

(iv) provide information by collecting the progress regarding development activities;

(v) adopt moral means for payment of taxes, repayment of loans, improvement of environmental cleanliness and maintenance of social harmony;

(vi) mobilise, resources locally to augment the financial sources of the Municipality; (vii) supervise development activities as voluntary groups;

(viii) make arrangements to report immediately the occurence of epidemics, natural calamities etc.;

(ix) co-ordinate and implement the activities for the protection of nature to import knowledge to the people on environmental problem.

(3) The Ward Committee and the Ward Sabha shall have the following rights, namely:—

(1)to get information regarding the services to be rendered and the activities proposed to be carried by the officers concerned during the next three months;

(ii) to get information on the detailed estimate regarding the works proposed to be undertaken;

(iii) to know whether each decision of the council of the Ward area is logical;

(iv) to know about the follow up actions taken, decision of the Ward Sabha and the Ward Committee, as the case may be, and about the detailed reasons for not implementing any decision;

(v) to get information regarding detailed town planning schemes building construction permits etc. in the ward.]

47. **DURATIONOFTHE WARD COMMITTEE.**— The duration of a Ward Committee constituted in a Municipality shall be co-terminus with that of the Municipality.

62. Section 46 substituted by Act 14 of 1999, w.e.f. 24-3-1999

THE SECRETARY

48, THE SECRETARYOF MUNICIPALITY.— (1) For every Municipality there shall be a Secretary appointed by the Government, in consultation with that Municipality, who shall be an officer of the Government borne on such cadre, as may be prescribed, and shall be the Executive Officer of the Municipality and the other officers and employees of the Municipality shall be subordinate to him.

(2)The Secretary shall not without the sanction oftheMunicipality or the Government, undertake any work unconnected with his office.

(3)The pay allowances of the Secretary, as fixed by the Government from time to time, shall in the first instance to be paid from the State funds. The whole of the pay and allowances paid to the Secretary and the contributions towards his leave salary and pension to the extent required shall be credited monthly to the State funds by the Municipality.

(4)TheGovernment may grant leave to the Secretary and appoint a substitute or nominate an officer to hold charge of his office during his absence.

(5)The Secretary shall be the custodian of all Municipal properties and records including all papers and documents connected with the proceedings of the Council and the Standing Committees and other Committees, and shall arrangefor the performance of such functions, as may be entrusted to him by the said bodies.

(6)The Government may, at any time, transfer theSecretary, from a Municipality and if the Council, on the strength of a resolution, passed at a special meeting convened for this purpose, by a simple majority vote of the approved strength of the Council, recommends a transfer, the Government shall do so.

[63][Provided that before considering such a resolution by the council the Secretary shall be given an opportunity to give a representation and if requested of being heard by the Council or the Chairperson.]

(7) The Council shall, subject to the rules that may be made in this behalf, be competent to impose minor penalties on its Secretary,

(8)An appeal may be filed against the order of the Council imposing any minor penalty, before the authority (referred below as the authority) authorised by the Government in this behalf.

(9)An appeal under sub-section (8) shall be in the prescribed form and shall be submitted in such manner and within such date, as may be prescribed.

(10) On receipt of an appeal under sub-section (8), the authority, after giving the person filing the appeal an opportunity of being heard, may either confirm, cancel or revise the order against which the appeal is preferred or pass such other order as it deems fit.

(11) The Government may, either *suo motu* or on application, call for the records of any order passed by the authority under sub-section (10) and may review such order and pass such order in that regard, as it deems fit:

[64][(12) Where disciplinary proceedings have to be initiated against the Secretary, the Chairperson shall have the power to conduct an enquiry against him and in the case of imposition of a major penalty, to report to the Government with approval of the council to take further action under the rules applicable to the Secretary and the Government shall as soon as the report is received, take appropriate action and intimate the final decision taken thereon, in writing to the Chairperson.

(13) The Government may by a general or special order designate any officer of the Government transferred to the service of the Municipality as an ex-officio Secretary and the person so appointed shall have all the powers and functions of the Secretary, in respect of the subjects dealt with by them.]

Provided that no application for review shall be entertained if it is preferred after 30 days from the date of receipt by the applicant of the order sought to be reviewed:

Provided further that the Government shall not pass any order affecting any party if that party had not been given an opportunity for submitting a representation:

Provided also that the Government shall not *suo motu* review an order, if more than one year has elapsed since the date of the order sought to be reviewed.

Explanation.—In this section minor penalty has the same meaning as is given to minor penalty in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.

49. FUNCTIONSOFTHE SECRETARY.— [65][(1) Subject to the provisions of this Act and the rules made thereunder, the Secretary shall,—

(a)record his opinion in writing on all matters with which he is concerned and which require the decision of the Chairperson, the Council or the Standing Committee; and

(b)implement the resolutions of the Council and the Standing Committee:

Provided that where the Secretary is of opinion that any resolution has not been legally passed or exceeds the powers conferred by this Act or by any other law or by the rules made thereunder or that if carried into effect it may endanger communal harmony or public safety or it is contrary to the Central State Policy, the Secretary shall request the council in writing to review the matter and express his views during review by the council and if the council sticks on to its earlier decision, he shall refer it to the Government for appropriate action and decision, after intimating the matter to the Chairperson:

Provided further that where, on review of the resolution, the council decides to implement the same and the decision of the Government have not been intimated within fifteen days from the date of reference to the Government, the Secretary shall implement the said resolution and the matter be intimated to the Government:

Provided also that no approval of the Chairperson is required for the Secretary to refer the matter to the council or the Government as aforesaid, but he shall give a copy of the report sent to the Government, to the Chairperson;

(c)furnish periodical reports to the council and the standing committees, as the case may be, regarding the action taken or progress made in implementing the resolutions of the council or the standing committees;

(d)implement the directions of the Chairperson:

Provided that where the Secretary is of opinion that any direction given by the Chairperson is in excess of the powers conferred under the provisions of this Act or any other law or the rules made thereunder, he may first bring the matter to the notice of the Chairperson and if the Chairperson repeats his direction and if the Secretary sticks on to his earlier opinion, he shall report that matter to the council in the manner as may be prescribed;

(e)exercise such of the powers and perform such of the functions as may be specifically conferred or delegated by or under this Act; [63] [64] [65]

63.Proviso inserted by Act 14 of1999, w.e.f. 24-3-1999.

64.Sub-section (12) & (13) added by Act 14 of1999, w.e.f. 24-3-1999.

65.Sub-section (1) substituted by Act 14 of1999, w.e.f. 24-3-1999.

(f)incur the expenditure authorised by the council or the Chairperson, subject to the budgetary provision;

(g) make payments for all kinds of expenditure authorised by the Municipality, either by cheque or in cash;

(h)maintain and keep the accounts as to the receipts and expenditure of the Municipality; (i) be responsible for the safe custody of the Municipal fund;

(j)keep the records in respect of the meetings and proceedings of the council, standing committees and other committees;

(k)take disciplinary action against the Municipal employees with the knowledge of the Chairperson; and

(l) assist the Chairperson and the council to co-ordinate the functions of the officers and institutions transferred to the Municipality.]

(2) All litigations for or against the Municipality shall be conducted by or against the Secretary.

S.21 & 105 [corresponding to S.49 & 239 of the new Act] and Kerala Municipalities (Transfer of Registry of ownership of properties) Rules - R.3 - Enquiry - Commissioner's power to review orders -There is nothing stated in any of the provisions that after effecting the alteration in the registry, the Commissioner has got the power to reopen the matter and make alterations in the alteration already made. -*Abdul Salam Hajee v. Municipal Commissioner-ILR* 1976(1) Ker. 393.

50. RIGHTSANDDUTIESOF SECRETARY.— (1) The Secretary shall attend the meetings of the Council and the meetings of the Standing Committee or any other Committee of a Municipality and may take part in the discussions thereat; as an advisor, but shall not have the right to move any resolution or to vote.

(2)Subject to any direction given or any restriction imposed by the Government or the Municipality, the Secretary may, by order in writing, delegate any of his functions to any officer or employee of the Municipality who shall be bound to carry out such functions. The discharge of the functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the Secretary and shall also be subject to his control and revision.

(3)The officer or employee to whom the power is delegated under sub-section (2) shall have all the rights, privileges and authority of the Secretary with respect to such functions and shall like-wise be subject to all liabilities arising out of the exercise of such powers, privileges or authority.

[65A][(4)The Secretary shall for the discharge of his functions vested in him by or [66]funder this Act or in any other law], have the power after informing the Chairperson to incur expenditure not exceeding Rs. 25,000 out of the Municipal fund.]

[67][(5) The Secretary shall give the required information regarding the functions of the Municipality to the Government or to the officers or to the agency authorised by it.

(6)The Secretary shall be responsible for furnishing necessary information to the Legislative Committee or answer the Legislative Assembly interpellations and in order to avoid delay, such information may be sent directly to the Government or to the officer authorised by it in this behalf and thereafter submit to the Chairperson for information.

(7) The Secretary shall take follow up action on performance audit reports and other audit reports.]

CHAPTER IV

PREPARATION AND EXECUTION OF DEVELOPMENT PLANS

51. Preparation of Development plans by Municipalities.— [68][(l) Ward Committee or Ward Sabha as the case may be] shall prepare every year in such form, as may be prescribed, a development plan for the ward alongwith an estimate of the expenditure therefor, for the next year and after finalising it in a meeting held three months before a financial year, submit the same to the Municipality concerned.

[69][(2) Every Municipality shall prepare every year a development plan for the succeeding year considering the development plans submitted by the Ward Committees or Ward Sabhas of the Municipality in the prescribed manner for that Municipal area and submit the same to the District Planning Committee before such date as prescribed].

Explanation.— For the purpose of this section "development plan" means a development plan for economic development, social justice [70][Improvement of living conditions, creation of employment opportunities and increase of production capacity] in relation to matters enumerated in the Twelfth Schedule to the Constitution including the matters to which the administrative power vests in the Municipality under the provisions of this Act or any other law.

[71] [(3) Every Municipality shall prepare a master plan for its development in the prescribed manner with focus on scientific spatial planning taking into account its resources and as per the fiscal investment and submit the same to the District Planning Committee.

(4)Municipality shall have the power to prepare and implement detailed town planning schemes as per the laws relating to Town Planning for the time being in force subject to the master plan approved by the Government.]

52. Entrustment of Schemes to Municipalities for implementation.—(1) Notwithstanding anything contained in any law for the time being in force, the Government may, subject to the condition, as they may think fit to impose, entrust by an order published in the Gazette to a Municipality, implementation of such schemes of economic development and social justice including the schemes in relation to the matters enumerated in the Twelfth Schedule to the Constitution, as they deem fit.

(2) Where the Government entrust a scheme under sub-section(l) to a Municipality, they shall allot to that Municipality such fund and staff as may be necessary to enable the Municipality to implement the scheme.

(3) Where disciplinary action has to be inititated against any officer as referred to in sub-section (2), the Chairperson concerned shall have the right to conduct enquiry against such officer or employee and report the same to Government.

(4) Notwithstanding anything contained in sub-section (3) a Municipal Council shall, subject to the rules as may be made in this behalf, have power to impose minor penalties on any such officer or employee.

Explanation.—In this section 'Minor penalty' has the same meaning as is given to 'minor penalty' in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.

65A. Sub-section (4) added by Act 8 of1995, w.e.f. 5-8-1995.

66. Substituted for the words "under this Act" by Act 14 of 1999, w.e.f. 24-3-1999.

67.Sub-sections (5), (6) & (7) added by Act 14 of1999, w.e.f. 24-3-1999.

68.Substituted for the words "Every Ward Committee" by Act 14 of 1999, w.e.f. 24-3-1999.

69.Sub-section (2) except the explanation substituted by Act 14 of 1999, w.e. f. 24-3-1999.

70.Substituted for the words "and improvement of living conditions" by Act 14 of 1999, w.e.f. 24-3-1999.

71.Sub-section (3) & (4) substituted by Act 14 of1999, w.e.f. 24-3-1999

72.Section 52A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

[72][52A. **REGULATIONOF MUNICIPALELECTRICALUNDERTAKINGS.**— The administration of Municipality on any of the undertakings for generating, transmitting, supplying and consuming the electrical energy shall not be contrary to the Indian Electricity Act, 1910 (Central Act 9 of 1910) or Electricity (Supply) Act, 1948 (Central Act 54 of 1948) or the rules made under these Acts or the conditions in the licence issued to the Municipality, and shall be subject to the conditions as may be prescribe].

53. DISTRICT PLANNING COMMITTEE,— (1) The Government shall constitute in every district, a District Planning Committee at the district level to consolidate the plans prepared by the Panchayats and the Municipalities in a district and to prepare a draft development plan for the district as a whole.

(2) The Committee shall consist of fifteen members of whom-

(a)twelve members shall be elected, in such manner as may be prescribed, by and from amongst the elected members of the Panchayats at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district:

(b) the President of the District Panchayat in that district;

(c)one shall be a person having considerable experience in administration and planning, nominated by the Government;

(d) the District Collector concerned, *ex-officio.*

(3) In sub-section(2),--

(i)the members mentioned in clause (a) shall be elected under the guidelines, supervision and control of the State Election Commission;

(ii)the President of the District Panchayat mentioned in clause (b) shall be the Chairman of the Committee;

(iii)[72A]**[xxx] and**

(iv) the District Collector referred to in clause (d) shall be the Secretary of the Committee.

(4)The district level officers of the departments of the Government in the District shall be the Joint Secretaries of the Committee.

(5) The Members of the House of the People (Lok Sabha) and the members ofthe Legislative Assembly of the State, representing any area comprised in a district shall be permanent invitees of the District Planning Committee of that district:

Provided that where the area which a Member of the House of the People (Lok Sabha) or a member of the Legislative Assembly of the State represents, comprises partly in one district and partly in another district, he shall be a permanent invitee to the District Planning Committee of both the districts in which the area he represents is comprised.

(6) A member of the Council of States (Rajya Sabha) representing the State shall be a permanent invitee to the District Planning Committee of the district in which he is registered as elector in the electoral roll of any Municipality or Panchayat.

(7) A member nominated to the Legislative Assembly of the State shall be a permanent invitee to the District Planning Committee of the district in which he ordinarily resides.

(8) Where a Member of Parliament ora Member of the Legislative Assembly ofthe State is appointed as Minister or elected as Speaker or Deputy Speaker orappointed asthe Government Chief Whip or recognised as Leader of the Opposition, he may nominate a person from the area he represents as Member to represent him inthe District Planning Committee or the District Planning Committees of the district or districts to which he was a permanent invitee.

(9) The Committee shall consolidate the plans prepared by ihe Panchayats and the Municipalities in the district and prepare a draft development plan for the district as a whole and perform such other functions relating to district planning, as may be assigned to it by the Government, from time to time, by notification in the Gazette.

72A. Omitted by Act 8 of1995.

(10)The Committee shall, in preparing the draft development plan,-

(a)have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of the infrastructure and environmental conservation; and

(ii)the extend and the type of available resources, whether financial or otherwise;

(b)consult such institutions and organisations as the Governor may, by order specify.

(11) The Chairman shall forward the development plan, as recommended by the Committee, to the Government for approval.

[73][(11A) The Government shall, while preparing the State Plan consider the proposal and priorities included in the draft development plans prepared for each districts by the District Planning Committee,

(11B) The District Planning Committee shall monitor the quantitative and qualitative progress, especially its physical and financial achievements, in the implementation of the approved district planning schemes and State plans relating to the district and it shall evaluate the action programmes already completed.]

(12) The procedure to be followed in the meeting of the Committee, including the quorum for such meeting, shall be governed by such rules as may be prescribed.

54. METROPOLITAN PLANNING COMMITTEE.— (1) The Government shall, by notification in the Gazette, constitute a Metropolitan Planning Committee in a Metropolitan area to prepare a draft development plan for such area as a whole.

(2)The Metropolitan Planning Committee shall consist of fifteen members of whom.-

(a) ten shall be elected, in such manner as may be prescribed, by and from amongst, the elected members of the Municipalities and the Presidents of the Village Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and Village Panchayats in that area;

(b)five shall be nominated by the Government of whom-

(i) one shall be an officer of the rank of a Secretary to Government or an eminent person having experience in local administration or public administration;

(ii) one shall be an officer not below the rank of Senior Town Planner of the Town Planning Department;

(iii) one shall be an officer not below the rank of Superintending Engineer of the Public Works Department;

(iv) one shall be an officer of any Government Department not below the rank of a Deputy Secretary to Government; and

(v) one shall be the Collector of the district in which the metropolitan area is comprised or where more than one district is comprised in the metropolitan area one of the Collector of such districts as the Government may determine.

(3) The members mentioned under clause (a) to sub-section (2) shall he elected under the guidelines, supervision and control of the State Election Commission and one among them shall be elected as the Chairman. [73]

73.Sub-section (HA) & (HE) added by Act 14 of1999, w.e.f. 24-3-1999.

(4) The officer nominated under item (iv) of clause (b) of sub-section (2) shall be appointed as the Member Secretary of the Committee.

(5) Where the Government are of opinion that representation of the Central or Slate Government and of any organisation or institution is necessary for carrying out the functions assigned to the Metropolitan Planning Committee, they may provide for the inclusion "[A][as invitees! of the representatives of the Government, either of the Central or the State, and of such organisation or institution in the Committee for the limited purpose of carrying out the functions so assigned to it.

(6) The Metropolitan Planning Committee shall prepare draft development plan for the Metropolitan area as a whole and perform such other functions relating to planning and co ordination for the Metropolitan area as may be assigned to it by the Government, from time to time.

(7)The Metropolitan Planning Committee shall, in preparing the draft development plan-

(a) have regard to -

(i)the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and Panchayats including the co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set out by the Central or the State Government;

(iv) the extent and the nature of investments likely to be made in the Metropolitan area by agencies of the Central and the State Governments and other available resources, whether financial or otherwise;

(b)consult such institutions and organisations as the Governor may, by order, specify.

(8) The Secretary shall forward the development plan, as recommended by the Metropolitan Planning Committee, to the Government for approval.

(9) The procedure to be followed in the meeting including the quorum for such meeting shall be governed by such rules as may be prescribed.

[74][55. **STATE DEVELOPMENT COUNCIL.**— (1) The Government shall, by notification in the Gazette, constitute a State Development Council and it shall consist of the following members,—

(a) the Chief Minister who shall be its Chairman;

(b) members of the Council of Ministers of the State, the Leader of Opposition of the State Legislative Assembly, who shall be its Vice-Chairman;

(c) the Chairmen of the District Planning Committees;

(d) the Mayors of the Municipal Corporations;

(e) two Chairpersons of the Municipal Council, two Chairpersons of the Town Panchayat two Presidents of the Block Panchayat and two presidents of the Grama Panchayat, nominated by the Government;

(f) the Vice-chairman of the State Planning Board; and

(g) the Chief Secretary who shall be its Member-

(2) Secretary.

The State Development Council shall,-

73A. Inserted by Act 8 of 1995.

74.Section 55 substituted by Act 14 of1999, w.e.f. 24-3-1999.

(a)formulate policy for local level development and regional level development;

(b)co-ordinate the District Plans and the State Plans;

(c)formulate policy necessary for strengthening Local Self Government Institutions;

(d) deal with common issues concerning development, among the districts.

3. The State Development Council shall meet at least once in six months].

CHAPTER V

75[FUNCTIONS OF THE GOVERNMENT]

56. POWEROF GOVERNMENTFORPURPOSESOFCONTROL.— (1) Government or the officer authorised by them in this behalf may inspect any office under the control of the Municipality or any movable property kept therein or any immovable property or any work which is in progress.

(2) The Government or the officer authorised by them in this behalf may-fa) call for any document in the Custody of the Municipality;

(b) require the 76[Chairperson or the Secretary] to furnish any return,plan, estimate, statement, account or statistics;

(c) require the 7h[Chairperson or the Secretary] to furnish any information or report or any matter relating to the Municipality; and

(d) record in writing any observation for the consideration of the Council, Chairperson or Secretary, as the case may be, in regard to the proceedings or functions of the Council, Chairperson or Secretary.

77[(3) The Chairperson, Secretary and other officers shall be liable for facilitating the exercise of the powers under sub-section (1) and for fulfilling the requirements under subsection (2)".

(4) The Government or the officer authorised by them under sub-section (2) shall return to the Municipality any document, register or records received from it within ninety days from the date of its receipt and if necessary, the Government may keep certified copies of the same.

(5) The Government may arrange for the conduct of periodical performance audits with respect to the administration of the Municipality and the works and schemes implemented or being implemented by the Municipality in the manner prescribed.]

78[57. **POWERTOSUSPENDANDCANCELRESOLUTIONSETC.**— (1) The Government may, suo-motu or on a reference by the Chairperson the Secretary, or a Councillor of the Municipality or on a petition received from a citizen, cancel or amend a resolution passed or a decision taken by the council, which in their opinion,-

(a)has not been legally passed or taken; or

(b)is in excess or abuse of the powers conferred by this Act or any other law; or

(c) is likely to endanger human life, health safety, communal harmony or public peace, or is likely to lead to a riot or quarrel; or

(d) has violated the guidelines issued by the Government in the matter of implementation of plans, schemes or programmes or the conditions of grants. 76 77 78

76. Substituted for "Chairperson" by Act 14 of1999, w.e.f. 24-3-1999.

77.Sub-section (3) substituted by Act 14 of1999, w.e.f. 24-3-1999.

78.Section 57 substituted by Act 14 of1999, w.e.f. 24-3-1999

(2) Before cancelling or amending a resolution or decision under sub-section (1), the Government shall refer the matter for the consideration of the Ombudsman constituted under Section 271 G of the "Kerala Panchayat Raj Act, 1994(13 of 1994) or to the Tribunal for the Local Self Government Institutions constituted under Section 271 S of the said Act and the Tribunal shall, after giving the Municipality an opportunity of being heard, furnish a report to the Government with its finding based on which the Government may cancel, amend or approve that resolution or decision.

(3) The Government shall not entertain any petition for cancellation or amendment of any resolution or decision of the council if an alternate redressal is available to the petitioner through the Tribunal under section 509.

(4) Where the Government are of opinion that a resolution or a decision of the Council shall be cancelled or amended under sub-section (1), they may temporarily stay the implementation of Such resolution or decision and may direct the council to keep its implementation in abeyance till it is finally disposed of by completing the procedure under sub-section (2)].

74**[58. Power the Government to issue direction to Municipality.— (1)** Notwithstanding anything contained in this Act, the Government shall have the power to issue directions to the Municipality in accordance with the National and State policies in matters of finance, maintenance of accounts, office management, selection of schemes, sites and beneficiaries, proper functioning of Ward Sabhas and Ward Committees, welfare programmes, environment control etc. and the Municipality shall comply with such directions.

(2) Where default or abuse of power in the implementation of schemes or maintenance of accounts is reported or specific complaint has been received in the matter, the Government may arrange for such enquiry as it deems fit and the Municipality shall co-operate with that enquiry.

(3) After such enquiry, the Government may take actions which are necessary and permissible under this Act].

59. DELEGATIONOFPOWERSETC.— (1) The Government may, by notification in the Gazette, authorise one or more officers to exercise any of the powers vested in them under this Act, except the power to make rules, in respect of any Municipality or all Municipalities and in like manner withdraw such authorisation.

(2) The exercise of any of the powers delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification. The Government shall also have the power to control or review the acts or proceedings of any person so authorised.

80**[60 x x x x]**

61. ACTIONBY GOVERNMENTINDEFAULTOF MUNICIPAL AUTHORITY.— 81[(1)]Where, at any time, it appears to the Government that a Municipal authority has made default in performing any duty imposed on it by or under this Act or any other law for the time being in force, they may, by order in writing, direct such authority to perform the duty within such period, as may be specified, therein, and such authority shall be bound to comply with such direction.

81[(2) If such duty is not performed or such order is not carried out within the period specified under sub-section (1), the Government may, after giving a reasonable opportunity to the Municipality, to its chairperson or to the Secretary, as the case may be, to show cause why further action should not be taken under this section, appoint any officer or authority to perform the duty or to carry out the functions and the expenses to be incurred for that shall be paid from the funds of the Municipality within such time as determined by the Government. 79

79.Section 58 substituted by Act 14 of1999, w.e.f. 24-3-1999.

(3) If the expenses directed by the Government to be paid from the fund of the Municipality under sub-section (2) is not paid in the manner specified orders may be passed directing the person having the custody of the said fund to pay it in priority to any other charge against that fund, except service charges of authorised loans, or deduct that amount from the share of taxes or any grant due to the Municipality.

(4) The person referred to in sub-section (30) shall, as far as the funds in the account of the Municipality permits be liable to comply with the order passed by the Government under that sub-section.1

62. POWEROF GOVERNMENTTOUNDERTAKECERTAINWORKS.— The Government may, with the consent of a Municipality, undertake on its behalf the construction of water supply, drainage or any other work, appoint any officer or person to carry out the construction of such works and direct that the expenses

including the pay and allowances of such officers be paid from the Municipal fund in priority to any charges except charges for the service of authorised loans.

82[63. **ANNUAL ADMINISTRATION REPORT,**— (1) Every Municipality shall in accordance, with the provisions ot" this section publish a report of its administration in each year in such form and with such details as the Government may direct, within the thirtieth day of September of the succeeding year and where the report is not published within the said time limit, the Government may withhold the payment of grants due to Vhe Municipality thereafter.

(2) The draft of the Administration Report in respect of the institutions, offices and officers under the control of the Municipality shall be prepared by the heads of such institutions and offices and furnish to the Secretary of the Municipality and he shall prepare the draft of the administration report of that Municipality in consultation with the Chairperson and place it before the Standing Committee for Finance for scrutiny and then to the Council for approval,

(3) The Administration Report of the Municipality as approved Council and published shall be forwarded to the officer authorised by the Government and that officer shall before the thirty first day of December every year submit to Government a consolidated report containing abstracts of the administration reports of the Municipalities.

(4) The Government shall, as soon as may be, after the receipt of the consolidated report lay the same, along with a review report of the Government before the Legislative Assembly in its next session and such laying shall be within forty-five days from the first day of the session.]

64. POWEROF GOVERNMENTTODISSOLVE MUNICIPALITY.—K3[(l) Before the expiry of a financial year. If the council fails to approve, the budget of the Municipality for the succeeding financial year, and if, for that reason, there is financial crisis to the Municipality or if the majority of the councillors resign or have been disqualified, the Government may, by notification in the Gazette, dissolve the Municipality from such date as may be specified therein and shall forward a copy thereof to the State Election Commission.

Provided that before such dissolution, the Municipality shall be given a reasonable opportunity of being heard.

(1 A) Where the Government are of opinion that a Municipality consistently makes default in performing the duties imposed on it by law or in carrying out the orders or directions issued in accordance with law by the Government or exceeds or abuses its powers, they may, by notification in the Gazette, dissolve the said Municipality and shall forward a copy thereof to the State Election Commission. 80 81 82 83

80,Section 60 omitted by Act 14 bf1999, w,e,f, 24-3-1999,

81,Section 61 renumbered as sub-section (1) of that section and added sub-section (2), (3) & (4) by Act 14 of 1999, w,ef 24-3-S999,

82.Section 63 substituted by Act 14 of 1999, w,e,f, 24-3-1999

83.Sub-section (1) substituted by Act 14 ot" 1999, w.e.f. 24-3-1999.

Provided that the Government shall, before such dissolution communicate to the Municipality their intention to dissolve the Municipality giving reasons therefore and give the Municipality a reasonable *opportunity to show* cause against the same and consider its objection or explanation, if any:

Provided further that if, after considering the objection or explanation of the Municipality, it is considered that the Municipality shall be dissolved the advice of the Ombudsman constituted under Section 271 G of the Kerala Panchayat Raj Act 1994 (Act 13 of 1994) shall be sought and the final decision shall be taken on the basis of that advice.]

(2) A Municipality dissolved 84 *[under sub-section (1) or sub-section (1A)] shall be reconstituted within such time as the Government may specify in that behalf which shall not be later than six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election for reconstituting the Municipality for such period.

85**[(3) x x x x]**

(4) Upon the dissolution of a Municipality 86[under sub-section (1) or sub-section (1 A)] all the Councillors, including the Chairperson and the Deputy Chairperson shall forthwith be deemed to have vacated their offices.

87**[(5) x x x x]**

(6) A Municipality which is constituted upon dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued had it not been so dissolved.

(7) Every notification issued [88][88][under sub-section (1) or sub-section (1A)] shall, as soon as may be, after it is issued, be laid before the Legislative Assembly while it is in session and if it is not in session, at the commencement of the ensuing session and the approval of the Assembly obtained.

65. [89][65 Appointment of Special Officer or Administrative Committee for the administration of Municipality] [90][(1) Where the term of a Municipality has been expired and a new Municipality has not been constituted or where a Municipality has been dissolved under Section 64, Government shall, by notification in the Gazette, appoint a Special Officer or an Administrative Committee consisting of not less than three members who are Government employees for the period as may be specified in the notification for the administration of the Municipality:

Provided that, the term of appointment shall, not in any case be exceeded six months.]

'[(1A) x x x x]

(2) The Administrative Committee or the Special Officer appointed under sub-section

(1) shall, subject to the control of the Government and to such instructions or directions as the Government may issue, from time to time, have all the powers and functions of the Council, the Chairperson, the Deputy Chairperson and the Committees of the Municipality and take all such actions as may be required in the interests of the Municipality.

84.Substituted for "under sub-section (1) " by Act 14 of1999, w.e.f. 24-3-1999.
85.Sub-section (3) omitted by Act 14 of1999, w.e.f. 24-3-1999.
86. Substituted for "under sub-section (1) " by Act 14 of1999, w.e.f. 24-3-1999.
87.Sub-section (5) omitted by Act 14 of1999, w.e.f. 24-3-1999.
88. Substituted for "under sub-section (1) " by Act 14 of1999, w.e.f. 24-3-1999.
89.Substituted for the heading by Act 14 of1999, w.e.f. 24-3-1999.
90. Sub-section (1) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

(3)The Administrative Committee or the Special Officer appointed under sub-section

(1) shall, notwithstanding that the period of appointment under the said sub-section has not expired, cease to hold office [2][with effect from the date of reconstitution of the Municipality].

66. [3][x x x x]

67.[4][x x x x]

CHAPTKR VI

ELECTION TO MUNICIPALITIES

68. **ELECTIONSTO MUNICIPALITIES.**— The superintendence, direction and control of the preparation of electoral rolls, for, and the conduct of, all elections to the Municipalities shall vest in the State Election Commission.

69. **Division of Municipalities into wards for election, reservation etc.—(1)** For the purpose of election of Councillors to Municipalities, [5][State Election Commission or the officer authorised by it in this behalf] shall, after previous publication of the proposals inviting objections or suggestions, if any and after considering f he same, divide the Municipalities into as many wards as there are number of seats as notified under section 6 [6][and determine the boundaries thereof]: Provided that the population of each ward in a Municipality shall, as far as practicable, be equal.

(2) Copies of the proposals published and final orders issued under sub-section(l) shall be published by affixing copies thereof on the notice board of the office of the Municipality concerned, and in such conspicuous places within the concerned municipal area. The fact of such publication shall be published in the Gazette and in two local newspapers having wide circulation within the municipal area concerned.

(3) Only one Councillor shall be elected for each ward and election shall be by secret ballot.

(4) A person whose name has been included in the electoral roll of a ward shall be entitled to vote in an election to that ward.

(5)No delimitation of wards or change of wards for the purpose of reservation shall be made in a Municipality after its constitution except for the purpose of general election to that Municipality and no such delimitation or change of wards shall, in any manner, affect the existing Municipality.

[6A][69A. **Review of Final orders by the State Election Commission.**— (1) The State Election Commissions may, either suo moto or on application, review any order passed under section 69 and pass such orders as it may deem fit.

(2) An application for review under sub-section (1) shall be submitted within

fifteen days from the date of passing of the final order on which the compliant is based:

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

(3) Any order issued by the State Election Commission under sub-section (1) shall be published, as soon as may be alter it is issued, by affixing in the notice board of the concerned Municipality and in a conspicuous place within such Municipal area and the fact of such publication shall be published, in the Gazette and in two local newspapers having wide circulation in the concerned Municipal area.]

Validity of delimitation etc.— The validity of any law relating to the delimitation of wards or allotment of seats to such wards shall not be called in question in any court.

6A. Section 69A inserted by Act 14 of2000, w.e.f. 18-1-2000.

70.**DISTRICT ELECTION OFFICERS.**— (1) The State Election Commission shall, in consultation with the Government, designate or nominate an officer of the Government or of the local authority as a District Election Officer for each District:

Provided that if the State Election Commission is satisfied that the duties of such office cannot be satisfactorily performed by any one such officer, it may, in consultation with the Government designate or nominate more than one such officers for a District.

(2)Where more than one District Election Officers are designated or nominated for a district, the State Election Commission shall, specify, in the order designating or nominating the District Election Officers the area within which each such officer shall exercise jurisdiction.

(3)Subject to the superintendence, direction and control of the State Election Commission, each District Election Officer shall co-ordinate and supervise all functions in connection with the conduct of the election, including the preparation and renewal of voters list with respect to each ward coming under his jurisdiction.

(4)The District Election Officer shall perform such other functions in connection with the election, as may be entrusted to him by the State Election Commission.

72.**ELECTORAL REGISTRATION OFFICERS.**— (1) An Electoral Registration Officer shall prepare and renew the voters list with respect to each ward of a Municipality, in such manner as may be prescribed and he shall be an officer of the Government or a local authority designated or nominated by the State Election Commission in consultation with the Government.

(2)The Electoral Registration Officer may, subject to such restriction as may be prescribed, depute competent teachers including those of aided schools or Government employees or employees of local authorities, to prepare and revise the voters list of the wards.

(3)The State Election Commission may designate one or more persons as Assistant Electoral Registration Officers to assist the Electoral Registration Officer in the discharge of his functions:

Provided that each such person shall be an officer of the Government or of a Municipality.

(4)Each Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to discharge all or any of the functions of the Electoral Registration Officer.

73.**ELECTORALROLLSFORTHE MUNICIPALITY.**— There shall be an electoral roll for every ward in a Municipality which shall be prepared in accordance with the provisions of this Act and under the superintendence, direction and control of State Election Commission.

74. **DISQUALIFICATIONSFORREGISTRATIONINELECTORALROLL.**— (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

fc) 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 from the electoral roll in which it is included;

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

75.No person to be registered in the electoral roll for more than once.—

No person shall be entitled to be registered in the electoral roll for a ward in a Municipality more than once and a person registered in the electoral roll for a ward in a Municipality shall not be entitled to be registered in the electoral roll for any other ward in that Municipality or any other Municipality or any constituency in a Village Panchayat.

76. Conditions of registration,— Subject to the provisions of sections 74 and 75, every person who-

(a)is not less than eighteen years of age on the qualifying date; and

(b)is ordinarily resident in a ward in a Municipality, shall be entitled to be registered in the electoral roll for that ward.

Explanation.— For the purposes of this section and section 78, "qualifying date" in relation to the preparation or revision of an electoral roll, means the first day of January of the year in which it is so prepared or revised.

77. Meaning of "ordinarily resident".— (1) A person shall not be deemed to be ordinarily resident in a ward in a Municipality 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 the Parliment or of the State Legislative Assembly or the Chairperson or Deputy Chairperson of a Municipality shall not, during the term of his office, cease to be ordinarily resident in the ward, in the electoral roll of which he is registered as an elector at the time of his election as such Member, Chairperson or Deputy Chairperson, by reason of his absence from that ward in connection with his duties as such Member of Chairperson or Deputy Chairperson, 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, be deemed to be or ordinarily resident therein.

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

78. Preparation and revision of electoral rolls.— (1) The electoral roll for each ward in a Municipality shall be prepared by the Electoral Registration Officer in the prescribed manner with 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 shall,-

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

(i)before each ordinary election to a Municipality; and

(ii)before each bye-election to fill a casual vacancy in a Council;

(b)be revised in any year in the prescribed manner with 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 of 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 in writing, direct a special revision of the electoral roll for a ward or part thereof in such manner as it may think fit:

Provided that, subject to the other provisions of this Act, the electoral roll fora ward 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.

79. **CORRECTIONOFENTRIESINELECTORALROLL.**— If the Electoral Registration Officer, on application made to him or on his own motion, is satisfied after such enquiry as he thinks fit, that any entry in an electoral roll,-

(a)is erroneous or defective in any particulars; or

(b)should be transposed to another electoral roll on the ground that the person concerned has changed his place of ordinary residence; or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be an ordinarily resident in a ward or is otherwise not entitled to be registered in that roll, the Electoral Registration Officer shall amend, transpose or delete the entry, as the case may be:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in a ward or, that he is otherwise not entitled to be registered in an electoral roll, 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.

80.**INCLUSIONOFNAMESINELECTORALROLL.**— (!) Any person whose name is not included in the electoral roll for a ward may apply to the Electoral Registration Officer for the inclusion of his name in that roll.

(2) The Electoral Registration Officer shall, if he is satisfied that the applicant is entitled to be registered in the electoral roll, direct that his name be included therein:

Provided that if the applicant is already registered in any other electoral roll, the Electoral Registration Officer shall where he himself is concerned with the preparation or revision of that other electoral roll, strike off the applicant's name from that electoral roll or where he is not concerned with the preparation or revision of that other electoral roll, he shall inform such inclusion to the Electoral Registration Officer concerned who shall, on receipt of the information, strike off the applicant's name from that roll.

(3)No amendment, transposition or deletion of any entry under section 79 nor any inclusion of a name, in the electoral roll under this section shall be made after the last date for making nomination for an election and before completion of that election.

81.**APPEALS.**— An appeal shall lie to the District Election Officer concerned within such time and in such manner as may be prescribed from any order of the Electoral Registration Officer under section 79 or section 80.

82.**FEEFORAPPLICATIONSANDAPPEALS.**— Every application under section 79 or section 80 and every appeal under section 81 shall be accompanied by such fee as may be prescribed which shall, in no case, be refundable.

83.**Special provision for adopting the electoral roll of legislative constituency.—**(1) Notwithstanding anything contained in this Act, the State Election Commission may, if it deems necessary, for the purpose of election under this Act, prepare the electoral rolls of the Municipality by adopting the existing electoral rolls of the legislative assembly constituency, without conducting an enumeration.

(2) The electoral rolls of the legislative assembly constituency adopted under sub-section (1) shall be divided into separate parts for each ward of the Municipalities and all voters included in the electoral rolls of the legislative assembly constituency relating to it shall be included in the electoral rolls of the Municipality concerned.

Explanation.—In this section "legislative assembly constituency" means, the constituency for the purpose of election to the State Legislative Assembly.

(3) While preparing the electoral rolls, under sub-section (1), the State Election Commission shall observe the procedure prescribed for the preparation of electoral rolls under this Act and the rules made thereunder, with necessary modifications.

84.**MAKINGFALSEDECLARATION.**— 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 knows 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 ₇[may extend to five thousand rupees! or with both .

85. **QUALIFICATIONOFCANDIDATES.**— No person shall be qualified for election as a Councillor of a Municipality unless he possesses the following qualifications-

(a)the name of such person appears in the electoral roll in any of the wards in that Municipality;

(b)he has completed twenty first year of age on the date of submission of nomination;

(c)in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes, he is a member of any of the Scheduled Castes or the Scheduled Tribes, as the case may be;

(d)in the case of a seat reserved for women, such person is a woman;

(e)he has not been disqualified under any other provisions of this Act;

(f) he makes and subscribes before the Returning Officer or any other person authorised by the State Election Commission an oath or affirmation in the form set out in the Second Schedule.

86.**DISQUALIFICATIONOFOFFICERSANDEMPLOYEESOF GOVERNMENT, LOCAL AUTHORITIESETC**.— (1) No officer or employee in the service of a State or Central Government or a local authority or a Corporation owned or controlled by a State or the Central Government or of a company in which a State or Central Government or local authority has [7A][not less than fifty one per cent share] or Boards or or any University established under a State enactment shall be qualified for election as, or for holding the office of Councillor of a Municipality.

[7B]*[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 have been 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 corrupt practices or disloyalty shall be disqualified for a period of five years from the date of such dismissal for election as, or for holding office of, Councillor of a Municipality.

87.**DISQUALIFICATIONOFPERSONSCONVICTEDFORCERTAINOFFENCES.**— 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 provisions of law referred to in section 8 of the Representation of the 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 Councillor of a Municipality for a period of six years from the date of his conviction.

88.**DISQUALIFICATIONONGROUNDOFCORRUPTPRACTICES.**— (1) The case of every person found guilty of a corrupt practice by an order under section 177 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 for 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 subsection shall in no case exceed six years from the date on which the order made in relation to him under section 177 takes effect.

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

[8]**[89. Disqualification on account of failure to submit account of election expenses.— If the State Election Commission is satisfied that a person:—**

(a)has failed to submit an account of election expenses within the time and in the manner prescribed and has no sufficient reason or justification for such failure or

(b)has submitted false accounts;

(c)has incurred election expenses in excess of the limit prescribed,

it shall, by order published in the Gazette, declare him to be disqualified and such person shall be disqualified for being elected as the Councillor [8A][for a period of five years from the date of such order.]

90. DISQUALIFICATIONSOFCANDIDATES.— (1) A person shall be disqualified in the following circumstances for being chosen as and for being a Councillor of a Municipality if lie-fa) is so disqualified under any provision of the Constitution or by or under any law for the time being in force relating to elections to the State Legislative Assembly; or

[9][(b) (i) has been sentenced by a Court or a Tribunal with imprisonment for a period of not less than three months for an offence involving moral turpitude; or

(ii)has been found guilty of corruption by the competent authority under any law in force, or

(iii) has been held personally liable for maladministration by the Ombudsman constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994), 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 160or®A[xxx] of section 162 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 for being adjudicated as an insolvent or is an undischarged insolvent; or

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

8. Section 89 substituted by Act 14 of 1999. w.e.f. 24-3-1999. 8A.

9. *Substituted for the words by Act 14 of2000, w.e.f. 18-1-2000.*
Clause (b) substituted by Act 14 of 1999, w.e.f. 24-3-1999

Explanation.— A person shall not, by reason of his having a share or interest in any newspaper in which an advertisement relating to the affairs of the Government or the Municipality 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 Municipality, be disqualified under this clause; or

**[(h) is employed as a paid legal practitioner on behalf of that Municipality; or]

(i) is already a Councillor whose term of office as such will not expire before his fresh election can take effect or has already been elected as Councillor whose term of office has not yet commenced; or

(j) is in arrears of any kind due by him to the Municipality (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 any of the services referred to in section 86 and five years have not elapsed from the date of such dismissal or removal; or

9B[(kk) has been disqualified under the provisions of The Kerala Local Authorities (Prohibition of Defection) Act, 1999 and six years have not elapsed since the date of his disqualification; or]

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

(m) is a deaf-mute; or

(n) is disqualified under any other provisions of this Act; or

(o) is black-listed consequent on defaulted performance under any contract or auction with the Government; 10[or]

n[(p) has been found by the Ombudsman that there is loss, wastage or misuse of money or property of the Municipality.]

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

9A. Omitted by Act 8 of 1995.

9B. Clause (k k) added by Act 11 of1999, w.e.f. 2-10-1995.

10.*Added by Act 14 of 1999, w.c.f 24-3-1999.*

11.*Clause (p) added by Act 14 of1999, w.e.f. 24-3-1999.*

** Section 'h' substituted by Third Amendment Act 33 of 2005, w.e.f 24-08-2005

91. DISQUALIFICATIONOF COUNCILLORS.— (1) Subject to the provisions 12[of section 92 of Section 178], a Councillor shall cease to hold office as such if he-

13[(a) is found guilty under clause (b) of sub-section (1) of Section 90 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

(d)has been sentenced by a criminal court for any electoral offence punishable under section 160 or 13A[xxx] section 162 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 of

disqualification; or

(e)has applied for being adjudicated, or is adjudicated, as an insolvent; or

(f)acquires any interest in any subsisting contract made with, or work being done for the Government or the Municipality concerned except as a shareholder (other than a director) in a company or expect as permitted by rules made under this Act **[or enters into the contract or work with the Municipality as a Convener of the beneficiary committee which undertake the project or work of that Municipality as per any 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 Municipality 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 Municipality concerned be disqualified under this clause; or

(g)is employed as a paid legal practitioner on behalf of the Municipality or accepts employment as a legal practitioner against the Municipality;

(h)ceases to reside in the Municipality; or

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

(j) is in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Municipality 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

(k) [14][absents himself without the permission of the Municipality concerned from the meetings of the council of the Standing Committee as the case may be, for a period of three consecutive months reckoned from the date of the commencement of his term of office , or of the last meeting which he attended, or of the restoration to a office, as member und section (1) of Section 93, as the case may be or if within the said period of three month than three meetings have been held, absents himself from three consecutive meetings held after the said date:

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

(i) due to notice of that meeting was not given to him; 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 by the Councillors; [15][xx]

[16][Provided further that the Municipality in no case, shall give permission to a Councillor -the meetings of the council or the Standing Committee for a continuous period exceeding six months; or]

12. *Substituted for "of section 93" by Act 14 of 1999, w.e.f. 24-3-1999.* 13.*Clause (a) substituted by Act 14 of1999, w.e.f. 24-3-1999.*

13A. Omitted by Act 8 of1995.

13A. Substituted for " by Act 8 of1995, w.e.f. 5-8-1995.

14.*Substituted for the words by the Act 14 of 1999, w.e.f. 24-3-1999.*

** Added by Third Amendment Act 33 of 2005, w.e.f 24-08-2005

(l)disqualified under any provision of the Constitution or by or under any law, for the fro the time being in force, relating to election to the State Legislative Assembly; or

[16A][(II) disqualified under the provisions of the Kerala Local Authorities (Prohibition of Defection) Act 1999;or]

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

[17][(n) is responsible for the loss or wastage or misuse of money and properties of the Municipality or

(o)has failed , twice consecutively, to convene once in three months the meeting of the Ward Committee or the Ward Sabha of which he is the Convenor; or

(p)has failed to file declaration of assets within the time limit prescribed in Section 143A; or

(q)has been declared disqualified, as per Section 89,]

** **(2)** Notwithstanding anything contained in clause (p) of sub-section (1), a member, who had committed default in filing a statement of his assets and liabilities

within the time limit prescribed under section 143A on the date on which the Kerala Municipality (Amendment) Act, 2007 came into force, shall not be deemed to be disqualified if he files such statement before the concerned authority within 90 days from the date on which the said Act came into force.

[18]**[91A Cessation of membership.-(**1) No Councillor shall be a member of the Parliament or of the State Legislature at the same time and accordingly,—

(a)If a member of the Parliament or of the State Legislature is elected as a Councillor has not resigned his membership before entering such office; or

(b)Where a Councillor elected or nominated to the Parliament or to State Legislature on entering upon such office the office of Councillor to that person shall become vacant.]

92. Determination of subsequent disqualification of a Councillor.— (1) Whenever a question arises as to whether a Councillor has become disqualified under section 86 '*[A][or section 91, except clause (11)] after having been elected as such Councillor, any Councillor of a Municipality concerned or any other person entitled to vote at the election in which the Councillor was elected, may file a petition before the State Election Commission, for decision.

[19][Provided that the Secretary or any Officer authorised by the Government in this behalf may refer such a dispute to the State Election Commission for decision.]

**. *Sub-section (2) added by Act 12 of2007, w.e.f05.05.2007*

(2)The State Election Commission shall, after making such enquiry as it considers necessary, decide whether such Councillor has become disqualified or not and the decision shall be final, 20[so, however, that the State Election Commission may pass an interim order as to whether the Councillor shall continue to hold his office or not, till a decision is taken or on the petition or reference referred to in sub-section (1).]

(3)[the Petition or reference under] in sub-section (1J 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.

93. Restoration of Councillors.— (1) Where a person ceases to be a Councillor under section 87 or clause (a) of section 91, 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 and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

s to be a Councillor under clause (k) of section 91, the Secretary shall at once intimate the fact in writing to such person and report the same to the Council, at its next meeting. If such person applies for restoration to the Council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the Council may at the meeting next after the receipt of such application restore him to his office of Councillor:

15.*The words "or" omitted by Act 14 of 1999,w.e.f24-3-1999*

16.*Provision added by the Act 14 of1999, w.e.f. 24-3-1999*

16A. Clause (11) added by Act 11 of1999,w.e.f 2-10-1995

17.*Clause (n),(o),(p) &(p) added by Act 14 of 1999,w.e.f24-3-1999*

18.*Section 91A inserted by Act 14 of1999, w.e.f 1-10-2000*

Provided that a Councillor shall not be restored more than once during his term of office.

NOTIFICATION OF GENERAL ELECTIONS AND ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

94. **NOTIFICATIONFORGENERALELECTIONTO MUNICIPALITIES.**— (1) A general election shall be held for the purpose of constitution or reconstruction of new Municipalities before the expiration of the duration of the existing Municipalities or on dissolution.

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

95.Delegation of functions of State Election Commission.— The functions of the State Election Commission under the Constitution of India, and this Act or the rules made thereunder, may, subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be performed also by the Secretary to the State Election Commission.

96. **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 connection with the conduct of all elections to the Municipalities within his area of jurisdiction, and also performed such other functions as may be entrusted to him by the State Election Commission.

[22][**96A. ELECTIONOBSERVERS.**— (1) For observing the election in every Municipality the State Election Commission may, in consultation with the Government nominate a higher officer of the Government as Election Observer.

(2) The Election Observer nominated under sub-section (1) shall assist the State Election Commission to ensure a fair and equitable election and shall discharge such other functions entrusted by the Commission.]

97. **RETURNING OFFICERS.— FOR**every Municipality and for every election to fill a seat or seats in a Municipality, the State Election Commission shall in consultation with the Government, designate or nominate [23][one or more Returning Officers] who shall be an officer of the Government or of a local authority:

Provided that nothing in this section shall prevent the State Election Commission from designating or nominating the same person to be the Returning Officer for more than one Municipality.

98. **ASSISTANT RETURNING OFFICERS.**— (1) The State Election Commission may appoint one or more Assistant Returning Officers who shall be officers of the Government or of the local authorities to assist any Returning Officer in the performance of his 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 relating to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

I8A.Substituted for "or section 91 " by Act II of 1999, w.e.f. 2-10-1995.

19.Proviso added by Act 14 of 1999, w.e.f. 24-3-1999.

20.Substituted for the words by Act 14 of 1999, w.e.f. 24-3-1999.

21.Substituted for the words "Every petition referred to" by Act 14 of 1999, w.e.f. 24-3-1999,

22.Section 96A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

22. Substituted for "a Returning Officer" by Act 14 of 1999, w.e.f. 24-3-1999.

99. **RETURNING OFFICERTOINCLUDE ASSISTANT RETURNING OFFICERS PERFORMINGTHEFUNCTIONSOFTHE 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 98.

100. **GENERALDUTYOFTHE 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 effectively conducting the election in the manner provided by this Act and the rules or orders made thereunder.

101. **PROVISIONOFPOLLINGSTATIONS.**— The District Election Officer shall, with

the previous approval of the State Election Commission, provide sufficient number of polling stations for every Municipality within the area of 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 group of voters for which they have respectively been provided.

102. APPOINTMENTOF PRESIDING OFFICERSFORPOLLINGSTATIONS.—(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 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 for, 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 thereunder.

(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.

103. GENERALDUTYOFTHE PRESIDING OFFICER.— ITshall be the general duty of the Presiding Officer at a polling station to keep order thereat and to see that the poll is fairly taken.

104. DUTYOFA POLLING OFFICER.— It shall be the duty of the Polling Officer at a polling station to assist the Presiding Officer for such station in the performance of his functions. [24]

[24]**[104A. The Returning Officer, Presiding Officer etc. be deemed to be on deputation to the Election Commission.**— The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer, Police Officer and Election observer designated for the time being to conduct a general election or bye-election 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 notification for such election to the date of declaration of the results of such election accordingly such officers shall be subject to the control, supervision and

CHAPTER VIII

CONDUCT OF ELECTIONS

105. Appointment of dates for nominations etc.— As soon as a notification for an election is issued, the State Election Commission shall, by notification in the Gazette, appoint-

(a)the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a 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 day for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c)the last day for the withdrawal of candidature, which shall be the second day after the dale for the scrutiny of nomination or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d)the date or dates of 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 candidature; and

(e)the date before which the election shall be completed.

106. Public notice of election.— On the issue of a notification under section 105, 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.

107. 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 this Act:

24A[Provided that a person nominated as a candidate for filling up a seat in a Municipality shall not be nominated as candidate in another ward of the same Municipality]

108. Presentation of nomination paper and requirements for a valid nomination.—

1. On or before the date appointed under clause (a) of section 105 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 106 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the ward as proposer.

***["**(1A)** Every candidate submitting nomination under sub-section (1) shall not be deemed to be qualified to be elected to fill that post unless he submits, along with such nomination, the details regarding his educational qualification, criminal cases in which he is involved at the time of submission of nominations, property owned by him and other members of his family, liabilities including arrears due from him to any Public Sector Undertaking or Government or Local Self Government Institutions and whether disqualified for defection under the Kerala Local Authorities (Prohibition of Defection) Act, 1999 in the form and manner as may be prescribed".]

(2) In a ward where the seat is reserved for the Scheduled Castes or the Scheduled Tribes 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.

24. Section 104A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

24A.Proviso added by Act 8 of 1995, w.e.f. 5-8-1995.

*** Section 1A inserted by Seventh Amendment Act 37 of 2005, w.e.f 24-08-2005

(3) Where the candidate is a person who, having held any office referred to in section 86 has been dismissed or removed and a 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 roll:

Provided that no misnomer or inaccurate description or clerical, technical or printing error is regarded 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 were necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(5) Nothing in this 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.

109. DEPOSITS.— (1) A candidate shall not be deemed to be duly nominated for election from a ward in a Municipality unless he deposits or causes to be deposited such sum as may be prescribed:

Provided that in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, the amount of deposit shall be fifty percent of the amount prescribed:

Provided further 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 108 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.

110. NOTICEOFNOMINATIONSANDTHETIMEANDPLACEFORTHEIRSCRUTINY.— The Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 108 inform the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nominations and 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 similar to those contained in the nomination paper, both of the candidate and for the proposer.

111. SCRUTINYOFNOMINATIONS.— (1) On the date fixed for the scrutiny of nominations under section 105 the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, 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 the manner laid down in section 108.

(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 108 or section 109; or

(c) that the signature of the candidate or the proposer on the nomination paper is n o t 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 character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 105 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes 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 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 for a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector in that ward, unless it is proved that he is subject to a disqualification mentioned in section 74.

(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 candidates whose nominations have been found valid and affix it to his notice board.

112. WITHDRAWALOFCANDIDATURE.— (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 and delivered before three O'clock in the afternoon on the day fixed under clause (c) of section 105 to the Returning Officer either by such candidate in person or by his proposer, of election agent who has been authorised in this behalf in writing by such candidate.

(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 Municipality concerned,

113. PUBLICATIONOFLISTOFCONTESTINGCANDIDATES.— (1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-section (1) of section 112 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.

114. ELECTIONAGENTS.— A candidate at an election may appoint in the prescribed manner a person 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.

115. Disqualification **FORBEINGANELECTIONAGENT.**— A person who is for the time being disqualified under this Act for being a Councillor shall be disqualified for being an election agent at any election.

116.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 event 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 142 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.

117. FUNCTIONSOFELECTIONAGENTS.— 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.

118. APPOINTMENTOFPOLLINGAGENTS.— 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 act as polling agents of such candidate at each polling station provided under section 101.

119. APPOINTMENTOFCOUNTINGAGENTS.— 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.

120. REVOCATIONOFTHEAPPOINTMENTORDEATH, OFAPOLLINGAGENTOR COUNTINGAGENT.— (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 the 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 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.

121. FUNCTIONSOFPOLLINGAGENTSANDCOUNTINGAGENTS.— (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.

122. 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 101 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.

123. NON-ATTENDANCEOFPOLLINGORCOUNTINGAGENTS.— 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.

124. DEATHOFCANDIDATEBEFOREPOLL.— Where a candidate whose nomination has been found valid on scrutiny under section 111 and who has not withdrawn his candidature under section 112 dies and a report of his death is received before the publication of the list of contesting candidates under section 113 or where 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 proceeding with reference to the election shall be commenced anew 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 112 before the countermanding of the poll shall be[24B] [ineligible] for being nominated as a candidate for the election after such countermanding.

125. PROCEDUREIN. CONTESTEDANDUNCONTESTEDELECTIONS.— (1) Where the number of contesting candidates for a ward is more than one, a poll shall be taken.

(2) Where there is only one candidate for a ward, the Returning Officer shall declare him to be duly elected.

(3) Where there is no candidate, election proceedings shall be started afresh for filling up the vacancy in all respects as if for a new election.

126. FIXINGTIMEFORPOLL.— 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 for polling at an election in a ward shall not be less than eight hours between 7 a.m. and 5 p.m .

127. ADJOURNMENTOFPOLLINEMERGENCIES.— (1) If at an election the proceedings at any polling station provided under section 101 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 on account of any natural calamity, or any other sufficient cause, the Presiding Officer for 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 were 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 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 recommence, and fix the polling station or place at which, and 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).

128. FRESHPOLLINTHECASEOFDESTRUCTION, ETC., OFBALLOTBOXES.— (1) If at any election-fa) any ballot boxes used at a polling station or at a place fixed for the polls 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 matter 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

**["(aa) any voting machine develops a mechanical failure during the course of recording votes; 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 **["or the mechanical failure developed in the voting machine"] in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the further conduct of and completion of the election.

(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.

129. Adjournment of poll or countermanding of election on the ground of boothcapturing.— (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

24B.Inserted by Act 8 of1995, w.e.f 5-8-1995.

** (aa) inserted by the Third Amendment Act 33 of 2005, w.e.f 24-08-2005 ** " "inserted by the Third Amendment Act 33 of 2005, w.e.f 24-08-2005

(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 places 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.

Explanation.— In this section, "booth-capturing" shall have the same meaning as in section 161.

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

["103A. Use of voting machine in elections**. Notwithstanding anything contained in this Act or rules made thereunder, the system of giving vote and recording of vote by using voting machine as may be prescribed may be adopted in every election decided, by the State Election Commission considering the circumstances in each region.

Explanation:- For the purpose of this section "voting machine" means any electronic machine or any other machine used for giving or recording of votes and it shall also be construed that any reference as to ballot box or ballot paper in this Act or rules made thereunder save as otherwise provided shall include the reference to a voting machine which is being used in any election".]

131.**Special procedure for preventing personation of electors.— With a view to preventing personation of electors.-**

** Section 130A inserted by the Third Amendment Act 33 of 2005, w.e.f 24-08-2005

(a) 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 shall be marked with indelible ink, in such manner as may be prescribed, before delivery of such paper or papers to him;

(b) no ballot paper shall be delivered to any person for voting at a polling station and proceedings shall be initiated against such person in accordance with law, if at the time such person applies for such paper, he already has such a mark on his thumb or any other finger.

132.**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 for a ward shall be entitled to vote in that ward.

(2) No person shall vote at an election if he is subject to any of the disqualifications referred to in section 74.

(3) No person shall vote at a general election in more than one ward, and if a person votes in more than one ward, his votes in all such wards shall be void,

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

(5) No person shall vote at any election if he is confined in a prison under a sentence of imprisonment 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.

133.**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 the right to be present at the time of counting

134.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 paper used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Returning Officer or is accidently or intentionally destroyed or lost or is damaged or tampered with, to such an extent that the result of the poll at the 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. -

(3)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

(4)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.

(5)The provisions of this act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

(6)**EQUALITYOFVOTES.**— 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 these 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 received an additional vote.

(7)**DECLARATIONOFRESULTS.**— 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 thereunder.

(8)**REPORTOFTHERESULT.**— As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Municipality 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 Municipality concerned.

(9)**DATEOFELECTIONOFCANDIDATES.**— For the purposes of this Act, the date on which a candidate is declared by the Returning Officer under the provisions of section 125 or section 136 to be elected to a Municipality shall be the date of election of that candidate.

(10) **PUBLICATIONOFRESULTSOFGENERALELECTIONSTOTHE MUNICIPALITY.**— Where a general election is held for the purpose of constituting or reconstituting a Municipality, 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 wards, other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 105 or for which the time for completion of the election has been extended under the provisions of section 200 have been declared by the Returning Officer under the provisions of section 125 or, as the case may be, section 136, the names of the members elected for those wards and upon the publication of such notification, the Councillors shall be deemed to be duly elected:

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

(a)to preclude -

(i) the taking of the poll and the completion of the election in any ward or wards in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 105; or

(ii) the completion of the election in any ward or wards for which time has been extended under the provisions of section 200; or

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

135. BYE-ELECTIONSTOFILLCASUALVACANCIES.— (1) Where a Municipality is dissolved before its duration specified in article 243U or where the seat of a Councillor elected to a Municipality becomes vacant or is declared vacant or his election to the Municipality 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 wards in such Municipality or the ward concerned, as the case may be, to elect Councillors or Councillor for the purpose of constituting the Municipality or filling the vacancy, as the case may be, before such date as may be specified in the notification and the provisions of this Act and of the rules and orders made thereunder shall apply in relation to such election.

(2) Where the vacancy is in a seat reserved for the Scheduled Castes or for the Scheduled Tribes or for a woman, the notification issued under sub-section (1) shall specify that the person to fill that vacancy shall belong to the Scheduled Castes or to the Scheduled Tribes or be a woman, as the case may be.

136. ACCOUNTOFELECTIONEXPENSESANDMAXIMUMTHEREOF.— (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 of 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 II,— 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 local authority and of the Government belonging to any of the classes mentioned in clause (8) of section 144 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 purposes of this subsection.

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

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

137. Lodging of account with [25][the officer authorised by the State Election Commission.]— Every contesting candidate at an election shall, within thirty days from the date of election of returned candidate, lodge with the [25][the officer authorised by the State Election Commission], an account of his election expenses with connected records which shall be a true copy of the account kept by him [26][or by his election agent under Section 141 and such officer, as soon as possible, after the expiry of the said 30 days shall forward the account of election expenses received by him together with the list of candidates who have not submitted the account of election expenses to the officer authorised by the Commission].

OATH OR AFFIRMATION

143. OATHORAFFIRMATION.— [27][(1) The Government, after each general election shall nominate a member elected as Councillor for convening" the first meeting of the Municipality and before convening such meeting he shall make and subscribe an oath or affirmation in the form specified in the Third Schedule for the purpose before the officer nominated by the Government in this behalf

Provided that the member nominated by the Government shall, a far as possible, be the eldest among the Councillors elected in the Municipality.

(1 A) All other Councillors shall before assuming charge of their office, make and subscribe an oath or affirmation, in the form set out for this purpose in the Third Schedule, before the Councillor nominated under sub-section (1), on the date specified by the Government and before the date fixed by the State Election Commission for conducting the election of the Chairperson under sub-section (1) "of Section 12.

(IB) A Councillor who was not able to make an oath or affirmation under sub-section (1A) or a Councillor elected in the bye-election may make such oath or affirmation before the Chairperson.]

(2)The Chairperson and the Deputy Chairperson shall also, before entering upon their offices, make and subscribe an oath or affirmation in the form set out in the said Schedule. The Chairperson shall make and subscribe such oath or affirmation before the Officer authorised by the Government in this behalf, and the Deputy Chairperson shall make and subscribe such oath or affirmation before the Chairperson after the Chairperson has been elected.

(3)No Councillor who has not taken an oath or affirmation [28][under sub-section (1A) or under sub-section (IB)] shall vote or take part in the proceedings of any meeting of the Municipality, nor shall be included as a member of any of the Committee constituted by the Municipality.

[29][(4) The Government may by notification in the Gazette, declare the office of Councillor as vacated in his own motion where such a Councillor has not assumed charge of his office by making an oath or affirmation without sufficient cause within a maximum period of thirty days from the date by which he was elected as a Councillor.]

30 [143A. **COUNCILLORSTODECLAREASSETS.**— A Councillor shall within three months from the date of assuming his office submit a statement of assets and liabilities of himself and of other members of his family in the prescribed form, before the competent authority as may be authorised by the Government by notification in this behalf:

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

(2)Where a Councillor after submitting a statement under sub-section (1), acquires any further assets in his name or in the name of any other members of his family, or disposes of or mortgages any property specified in the statement, he shall submit a statement to that effect before the competent authority within three months from the date of such acquisition or disposal or mortgage; as the case may be.

(3) A Councillor who makes a statement under-sub-section (1) and sub-section (2) which is false or which he knows or believes to be false or does not believe to be true; shall be liable to be produced against that Councillor in accordance with law for giving such false declaration.

(4)Where a Councillor fails to submit the statement before the competent authority within the date specified under sub-section (1) and sub-section (2), action may be taken to disqualify him from continuing as a Councillor under Section 91.

*25.*Substituted for "District Election Officer" by Act 14 of 1999, w.e.f. 24-3-1999.

*26.*Substituted for "or by his election agent under section 141" by Act 14 of 1999, w.e.f. 24-3-1999.
*27.*Sub-section (1) substituted by Act 14 of 1999, w.e.f. 24-3-1999.
*28.*Substituted for "under sub-section (1)" by Act 14 of 1999, w.e.f. 24-3-1999.

EXPLANATION 1.— For the purpose of this section "family" of a Councillor means wife or husband of the Councillor, and his parents and unmarried sisters and children depending on him".

EXPLANATION2.— For the purpose of this section "asset" means all immovable properties and movable properties worth more than rupees ten thousand].

CHAPTERIX
CORRUPT PRACTICES AND ELECTORAL OFFENCES

144. CORRUPTPRACTICES,— 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 run 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-fa) 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 any expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 141.

(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 rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise or the electoral right of such candidate or elector within the meaning of this clause;

*29.*Sub-section (4) added by Act 14 of 1999, w.e.f. 24-3-1999. *30.*Section 143A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

(b) a declaration of public policy, or a promise of public action, or the mere 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 any rules made under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purpose of this clause.

(4)The promotion of, or attempt to promote, feelings of enmity of 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 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 any other person, with the consent of the 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 101:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station 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 shall not be deemed to be a corrupt practice under this clause.

Explanation.— In this clause, the 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 141.

(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 local authority or of Government belonging to any of the following classes, namely;-

(a)gazetted officers;

(b)members of the 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 a local authority or of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, 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 acts or things shall not be deemed to be assistance for the furtherance of the prospects of that candidate's 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 I.— In this section the 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 II.— 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 III.— 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 local authority shall be conclusive proof-

(1)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 IV.— For the purposes of clause (9), "booth-capturing" shall have the same meaning as in section 161.

145.PROMOTINGENMITYBETWEENCLASSESINCONNECTIONWITHELECTION.— 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.

146.PROHIBITIONOFPUBLICMEETINGSONTHEDAYPRECEDINGTHEELECTIONDAYANDON THEELECTIONDAY.— (1) No person shall convene, hold or attend any public meeting within a ward during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for an election in that ward.

(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.

147.DISTURBANCESATELECTIONMEETINGS.— (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 ol'a political character held in any ward between the date of the issue of a notification under this Act calling upon that ward to elect a Councillor 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.

148. RESTRICTIONSONTHEPRINTINGOFPAMPHLETS, 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 the publisher thereof.

(2)No person shall print or cause to be printed any election pamphlet or poster-

fa) 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 send 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 of other document distributed for the purpose of promoting or prejudicing the election of a candidate or a 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 election 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.

149. MAINTENANCEOFsecrecy **OFVOTING.**— (1) Every officer, 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 any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section(l) shall be punishable with imprisonment for a term which may extend to three months or with fine which shall not be less than one thousand rupees or with both.

150.Officers etc., at election 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 performing any duty in connection with an election shall, in the conduct 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 a 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 at 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 cognizable.

151. PROHIBITIONOFCANVASSINGINORNEARPOLLINGSTATION.— (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 one 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; 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(l) shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

152. PENALTYFORDISORDERLYCONDUCTINORNEARPOLLINGSTATIONS.— (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 for 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 person 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 fine which shall not be less than one thousand 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(l), and may seize any apparatus used for such contravention.

153.Penalty for misconduct at the polling station.— (!) Any person whoduring 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(l)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) Where 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 or with both.

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

154.Penalty for failure to observe procedure for voting.— Where anyelector 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.

155.PENALTYFORILLEGALHIRINGORPROCURINGOFCONVEYANCESATELECTIONS.— Where any person is guilty of any such corrupt practice as is specified in clause (6) of section 144 at or in connection with an election, he shall be punishable with fine which may extend to one thousand rupees.

156.LISTOFOFFICERSANDSTAFFOFTHE GOVERNMENT DEPARTMENTS, LOCALAUTHORITIES [30A][or **OTHERAUTHORITIESAND EDUCATIONAL INSTITUTIONS] TOBEFURNISHED.**— (1) Every [30B][head of office or departmental including educational institutions of the Government and every local authority or other authority and headmasters of aided schools and Principal of Private affiliated Colleges] shall, on requisition by the State Election Commission or an officer authorised by him, furnish to him a list of [30C][officers and staff of such office or educational institutions] within such time as may be specified in the requisition, for performing any duty in connection with an election to a Municipality.

Explanation.— For the purpose of this section and section 202 "other authority" means any authority by whatever name called, constituted or established by the Government by or under any law for the time being in force.

(2) If any person to whom a requisition under sub-section(l) is made by the State Election Commission or an officer authorised by him, 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.

157.BREACHESOFOFFICIALDUTYINCONNECTIONWITHELECTIONS.— (1) Where 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 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; and 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.

158.REQUISITIONINGOFPREMISESETC., FORELECTIONPURPOSES.— (1) If it appears to the State

Election Commission or the District Election Officer that in connection with an election-

(a)any premises are needed or 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:

30A. Substituted by Act 8 of1995.

30B. Substituted by Act 8 of1995.

30C. Substituted by Act 8 of1995.

Provided that no vehicle or vessel which is being lawfully used by candidate or his agent for any purposes connected with the election of such candidate shall be requisitioned under this subsection 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(l), 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.

159. PENALTYFOR GOVERNMENTSERVANTSOREMPLOYEESOFALOCALAUTHORITYFOR ACTINGASELECTIONAGENT, POLLINGAGENTORCOUNTINGAGENT.— Where any person in the service of the Government or of a local authority 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.

160.Removal of ballot papers from polling station to he an offence.—(I) Any person who, at any election, fraudulently takes, 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) Where 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 (l), 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 a woman 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 (I) shall be cognizable.

161. OFFENCEOFBOOTH-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 caste 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.

162. Other offences and penalties therefor.— (1) A person shall be guilty of an electoral offence, if at any election he-

(a)fraudulently defaces or fraudulently destroys any nomination paper; 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 purposes 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 Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station 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.

CHAPTERX

DISPUTES REGARDING ELECTION

163.ELECTIONPETITIONS,— No election shall be called in question except by an election petition presented in accordance with the provisions of this chapter.

164.THE COURTCOMPETENTTOTRYELECTIONPETITIONS.—The court having jurisdiction to try an election petition shall be the Munsiffs Court having jurisdiction over the place in which the office of the Municipality is located.

165.PRESENTATIONOFPETITIONS.— (1) An election petition calling in question any election may be presented on one or more of the grounds specified in section 178 and section 179, to the Munsiffs Court by any candidate at such election or any elector within thirty days from, but not earlier than, the date of election of the returned candidate.

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.

166.PARTIESTOTHEPETITION.— 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 candidate; and

(b)any other candidate against whom allegations of any corrupt practice are made in the petition.

167.CONTENTSOFPETITION.— (l)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 to 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 were 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.

168.RELIEFTHATMAYBECLAIMEDBYTHEPETITIONER.— 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.

169.TRIALOFELECTIONPETITIONS.— (1) The Court shall dismiss an election petition which does not comply with the provisions of section 165 or section 166 or section 191.

Explanation.— An order of the court dismissing an election petition under this subsection shall be deemed to be an order made under clause (a) of section 176.

(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 176 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 cause 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 expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the court for trial.

170. PROCEDUREBEFORETHECOURT.— (1) Subject to the provisions of this Act and of any rules made thereunder, 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 an election petition.

171.DOCUMENTARYEVIDENCE.— Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

172.SECRECYOFVOTINGNOTBEINFRINGED.— No witness or other person shall be required to state for whom he has voted at an election.

173.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 trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, 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 him in any civil or criminal proceeding.

(2) Where 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 IX A of the Indian Penal Code (Central Act 45 of 1860), or Chapter IX of this Act arising out of the matter to which such certificate relates, but it shall not be deemed to relive him from any disqualification in connection with an imposed by this Act or any other law

174. EXPENSESOFWITNESSES.— 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.

175.RECRIMINATIONWHENSEATCLAIMED.— (1) Where 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 trail, given notice to the court of his intention to do so and has also given the security and the further security referred to in sections 191 and 192 respectively.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and particulars required by section 167 in the case of an election petition and shall be signed and verified in like manner.

176.DECISIONOF COURT.— At the conclusion of the trial of an election petition, the court shall make an order-

(a)dismissing the election 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.

177.OTHERORDERSTOBEMADEBYCOURT.— At the time of making an order under section 176, 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 been committed at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who has been proved at the trial to have been guilty of any corrupt practice and the nature of that 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,-

(j) 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.

178. **GROUNDSFORDECLARINGELECTIONTOHEVOID.**— (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

*** [(ca) that the details furnished by the elected candidate under sub-section (1A) of section 108 were fake ;or."

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

(1)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 noncompliance 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 other respects the election was free from any corrupt practice on the part of the candidate or any of his 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 114.

*** Section (ca) inserted by Seventh Amendment Act 37 of 2005, w.e.f 24-08-2005

179. GROUNDSONWHICHACANDIDATEOTHERTHANTHERETURNEDCANDIDATEMAYBEDECLARED TOHAVEBEENELECTED.— Where 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 the 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, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

180. PROCEDUREINCASEOFANEQUALITYOFVOTES.— When 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 a vote would entitle any of those candidates to be declared elected, then- fa) 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 purposes 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 had received an additional vote.

181.COMMUNICATIONOFORDERSOFCOURT.— The court shall, as soon as may be after the conclusion of trial of an election petition, intimate the substance of the order of the State Election Commission and the Chairperson of the Municipality concerned and, as soon as may be, thereafter, shall send to the State Election Commission an authenticated copy of the order.

182.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 176 or section 177, the State Election Commission shall forward copies of the order to the Chairperson of the Municipality concerned and, shall cause the order to be published in such manner as the State Election Commission may deem fit.

183.EFFECTOFORDERSOFTHECOURT. — (1) An order under section 176 or section 177 shall take effect as soon as it is pronounced by the court.

(2)Where by an order under section 176 the election of a returned candidate is declared to be void, acts and proceedings of a Municipality in which that returned candidate has, before the date thereof, participated as Councillor shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

184.WITHDRAWALOFELECTIONPETITIONS.— (1) An election petition may be withdrawn only by leave of the court and on an application made in that behalf.

(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 parties to the petition and to the Municipality concerned which shall publish the same in the office of that Municipality.

185.PROCEDUREFORWITHDRAWALOFELECTIONPETITION.— (1J Where there are more petitioners than once, on application to withdraw an election petition shall be made except with the consent of all the petitioners.

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

(3)Where the application is granted-

(a)the petitioner shall be ordered to pay the costs of the respondents theretofore 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 Municipality 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.

186. REPORTOFWITHDRAWALBYTHECOURTTOTHE STATE ELECTION COMMISSION.— Where 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 185 in the place of the party withdrawing. the court shall report the fact to the State Election Commission.

187. ABATEMENTOFTHEELECTIONPETITIONS.— (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), the court shall cause a notice of the abatement be published in the office of the court, in the office of the State Election Commission and in the office of the Municipality 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.

188. ABATEMENTORSUBSTITUTIONONDEATHOFRESPONDENT.— Where, 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 event to be published in the office of the court, in the office of the State Election Commission and in the office of the Municipality 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.

189. APPEALS.— (I) Any person aggrieved by an order made by the court under section 176 or section 177 may prefer an appeal to the District Court on any question whether of law or of fact.

(2) 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 176 or section 177:

Provided that the District 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.

190. PROCEDUREINAPPEAL.— (l)Subject to the provisions of this Act and of the rules, if any made there under the District 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 District Court in the appeal shall be final.

(2) As soon as an appeal is decided, the District Court shall intimate the substance of the decision (o the State Election Commission and the Chairperson of the Municipality 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 a copy thereof to the Chairperson of the Municipality concerned.

(b)cause the decision to be published in such manner as the State Election Commission may deem fit.

191.SECURITYFORCOSTS.— (1) At the time of presenting an election petition, the petitioner shall deposit in the Munsiff s Court a sum of one thousand 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 Munsiff 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 dismiss the petition.

192.SECURITYFORCOSTSFROMARESPONDENT.— No person shall be entitled to be joined as a respondent under sub-section (3) of section 169 unless he has given such security for costs as (he court may direct.

193.COSTS.— Costs shall be in the discretion of the court, provided that where a petition is dismissed under clause (a) of section 176, 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.

194.Payment of costs out of security deposits and return of such deposits.—(1) Where 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) Where 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 deposits 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 representative, as the case may be.

195.EXECUTIONOFORDERSASTOCOSTS.— Any order as to costs under the provisions of this Chapter may be produced before the principal civil court of original jurisdiction within 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 thereof may be recovered by an application made under sub-section(1) of section 194 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
GENERAL PROVISIONS REGARDING ELECTIONS

196. POWERSOFTHE STATE ELECTION COMMISSION.— (I) The State Election Commission shall in the performance of its functions under this Act have all 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 State Election Commission shall also have the power to require any person, 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 relevent to, the subject matter of the inquiry.

(3)The State Election Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178. MAMion 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 shallproceed to hear thecomplaint against the accused as if the case had been forwarded to himunder section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(4)Any proceeding before the Commission 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).

[31] [(5) Notwithstanding anything contained in this Act or in any other law where the State Election Commission is satisfied, on enquiry that any petition filed before him against any person is frivolous and his baseless and hot in good faith, the Commission may direct the petitioner to pay such costs for conducting such enquiry by the opposite party.]

197. Statements made by persons to the State Election Commission.— No statement made by a person in 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 relevent to the subject matter of the inquiry.

198.PROCEDURETOBEFOLLOWEDBYTHE 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.

199.PROTECTIONOFACTIONTAKENINGOODFAITH.— No suit, prosecution or other legal proceedings 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 June in pursuance of the forgoing provisions of this Chapter or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or to the Government or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

200.EXTENSIONOFTIMEFORCOMPLETIONOFELECTION.— It shall be competent for the State Election Commission for reason which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 105.

201.RETURNORFORFEITUREOFCANDIDATE'SDEPOSIT.— (1) The deposit made under section 109 shall either be returned to the persons making it or his legal representative or be forfeited to the Municipality concerned in accordance with the provisions of this section.

(2)Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3)If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned 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-sixth of the total number of valid votes polled by all the candidates.

31.Sub-section (5) added by Act 14 of 1999, w.e.f. 24-3-1999.

202.STAFFTOBEMADEAVAILABLE.— Every department of the Government and every local authority or other authority and every educational institutions including aided schools and private affiliated colleges 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 rolls; or

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

203.JURISDICTIONOFCIVILCOURTSBARRED.— 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 of a ward in a Municipality; 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; or

(c) to entertain any question on the legality of any action Liken or of any decision given by the Returning Officer or by any other person appointed under this Act in connection with an election.

204. Expenses in connection with elections.— Funds to meet all expenses in connection with the elections including those in relation to the preparation of the electoral rolls therefor shall be met by the Government at the first instance and such expenses shall be reimbursed to the Government by the Municipalities concerned in such manner as may be prescribed.

CHAPTER XII
FINANCE COMMISSION

205.FINANCE COMMISSION.— The Finance Commission constituted under article 243-1 shall review the financial position of Municipalities.

206. Powers and functions of the Finance Commission.— fl) The Finance Commission shall make recommendations to the Governor as to-

(a)the principles which should govern-

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the Municipalities of their respective shares of such proceeds;

(ii)the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated, by the Municipalities;

(iii) the grant-in-aid to the Municipalities from the Consolidated Fund of the State;

(b)the measures needed to improve the financial position of the Municipalities;

(c)any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under subsection (1) together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly.

CHAPTER XIII
PROPERTY, CONTRACTS AND ESTABLISHMENT

PROPERTY

207. Vesting of Public Streets and appurtenance in Municipality.— (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 roads, streets, lanes and paths, the bridges, ditches, dykes and fences on or beside the same, and all adjacent land not being private property appertaining thereto in any municipal area other than [32][National Highway or State Highway or major district road or roads classified by Government as such] shall stand transferred to, and vest absolutely in the Municipality together with all pavements, stones and other materials and other things provided therein, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the Municipal fund or otherwise in, alongside or under such roads and all works, materials and things appertaining thereto.

[33][(2) Notwithstanding anything contained in sub-section (1) the Government may, by notification in the Gazette, at any time, withdraw such public roads and or streets, sewer drain, drainage work tunnel or culvert adjacent to it from the control of the Municipality for the purpose of classifying, it as any public road, street National Highway, State Highway or Major District road under the control of Municipality and thereupon it shall revest in the Government on issuing such a notification:

Provided that before issuing such a notification, the Government shall consult the Municipality concerned and give due regard to the objections, if any.]

208. Duty of Municipality in respect of public streets withdrawn from its control.— Where any public street has been withdrawn from the control of a Municipality under subsection(2) of section 207 and placed under the control of the Government or under the control of any other authority by the Government, it shall be the duty of the Municipality to provide at the cost of the municipal fund, to such extend as the Government may, by general or special order, direct-

(a)for the lighting, watering, scavenging and drainage of such street;

(b)for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside, or under such street;

(c)for the provision, maintenance and repair of footways attached to such street:

Provided that where in the discharge of such duties, it is necessary for the Municipality to open and break up the soil or pavement of any such street, the Municipality shall obtain the previous consent of such officer as the Government may by general or special order, specify

Provided further that in cases of emergency, the Municipality may, without such consent, open and break up soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso.

[33A] **[208A. Transfer of water courses, springs, reservoirs, etc, to Municipalities.—** (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 watercourses including those which the public have been using so as to give them easement rights over them, (other than rivers flowing through the municipal areas and other areas as may be specified by Government, by notification in the Gazette) whether existing at the commencement of this Act or were made; set up or constructed, thereafter whether made or constructed at the cost of the Municipality or not, along with their river beds, banks, springs,

32.Substituted for the words by Act 14 of 1999, w.e.f. 24-3-1999
33.Sub-section (2) substituted by Act 14 of 1999, w.e.f. 24-3-1999

channels for irrigation and drainage, canals, lakes, backwaters, water courses all water whether standing, or flowing streams, reservoirs, ponds, water beds, fountains, wells, 'Kappus' channels stand pipes, and other water reservoirs and any land appertaining there to other than private property shall stand transferred to and shall absolutely vest in the Municipality:

Provided that nothing contained in this sub-section shall apply to an irrigation project or any work connected therewith or any land appertaining thereto.

(2)Subject to the provisions of this Act, all rights and liabilities of the Government in respect of the water-courses, springs, resevoirs, ponds, water beds, fountains, wells, channels, standpipes and other works connected with water shall be vested on the Municipality under sub-section (1) and shall be the rights and liabilities of the municipality from the date of such vesting.

(3)Notwithstanding anything contained in sub-section (1) and sub-section (2), the Government may, after consultation with the Municipality and after giving due consideration to its objections, if any, take over the administration of any public water source and the public land appertaining thereto.

(4) It shall be unlawful for any person to reserve or take for himself from any land whether poramboke or otherwise transferred or vested in the Municipality under this Act, any tree, earth, sand, metal, laterite, limeshell or other valuable articles which may be notified by the Municipality, without a permit issued by the Municipality in this behalf and in accordance with the terms and conditions thereof and on payment of fee or compensation at such rates as may be fixed by the Municipality.]

209. [34]**[x xxx]**

210. MANAGEMENTOFPUBLICINSTITUTION.— (1) The management, control and administration of every public institution maintained exclusively out of the Municipal fund shall vest in the Municipality.

(2)When any public institution has been placed under the direction, management and control of the Municipality, all property, endowments and funds belonging thereto shall be held by the Municipality in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Municipality in respect of any such institution may, from time to time, be prescribed by the Government:

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the law relating to charitable endowments for the time being in force.

211.INVENTORYOFMUNICIPALPROPERTY.— (1) The Secretary shall maintain an inventory of all immovable property owned by the Municipality or to which the Municipality has a reversionary right.

(2)A copy of the said inventory shall be deposited with the Government and all changes shall be forthwith communicated to them.

212.LIMITATIONOFPOWERTOACCEPTPROPERTYINTRUST.— A Municipality may accept trusts relating exclusively to the furtherance of any purpose to which the Municipal fund may be applied.

33A. Section 208A inserted by by Act 8 of1995, w.e.f. 5-8-1995. 34,Section 209 omitted by Act 14 of1999, w.e.f. 24-3-1999.

213.OBJECTSNOTPROVIDEDFORBYTHIS ACT.— The Government may, in consultation with a Municipality, transfer to the Municipality the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful for the Municipality to undertake such management or execution:

Provided that in very such case, the funds required for such management or execution shall be placed at the disposal of the Municipality by the Government.

214.PROCEDUREFORACQUISITIONOFIMMOVABLEPROPERTYUNDERTHE LAND ACQUISITION ACT.— [35][(1)] Any immovable property which a Municipality is authorised by this Act to acquire may be acquired in accordance with the provisions of the Land Acquisition Act for the time being in force, and on

payment of the compensation awarded under this said Act in respect of such property and of any other changes incurred in acquiring it, the said property shall vest in the Municipality:

Provided that nothing contained in this section shall be deemed to prevent any Municipality from acquiring immovable property either through private purchase or any free surrender.

35[(2) The Municipality shall implead in all Court proceedings relating to the acquisition of land for the Municipality.]

35.Section 214 renumbered as sub-section (1) of that section and added sub-section (2) by Act 14 of 1999, w.e.f. 24-3-1999.

215.POWEROF MUNICIPALITYTOACQUIREANDDISPOSEOFPROPERTY.— 36[(l) A Municipality may in the manner prescribed, acquire any property such as land or building within or outside its Municipal area or dispose of any of its properties with the prior approval of the Government for providing any arrangement or facility for a public purpose, j

(2)(a) A Municipality may construct commercial or other buildings and let them out to the public who need them on licence and may charge such fees as it may fix for the use and occupation of the same,

37[in the manner prescribed];

37A

(b) [XXX]

Provided that after the said period, a licence may be renewed subject to such terms and conditions as may be fixed at that time;

(c)In all cases except renewal of licence or rehabilitation of a licensee, licence shall be granted only by public auction or tender.

(3)Every licence under sub-section (2) shall contain terms and conditions governing the use and occupation of the building or room or space therein and the rate and time of payment of fees and such terms and conditions shall be reduced in writing in the form of an agreement in stamp paper of the appropriate value.

(4)No building or room or space let out under sub-section(2) shall be sub-let by the licensee to any person nor the nature of use changed without the prior approval of the Municipality:

Provided that the Municipality may at the instance of a licensee transfer the licence to any other person subject to such terms and conditions as it may deem fit to impose and upon such transfer, it shall be deemed to be a fresh licence for all purposes.

(5) Where at any time it appears to the Secretary that any building, room or space let out to any person under sub-section(2) has been sub-let, he shall by order, immediately cancel the licence issued to such person and direct the person or persons in use and occupation of the building, room or space, as the case may be, to vacate within such time as may be specified in the order;

Provided that the Secretary shall, before issuing an order cancelling the licence and evicting the user or occupier give notice to such person requiring him to show cause within a reasonable time to be specified in the notice, why such an order should not be made.

(6) Where an order issued under sub-section (5) is not complied with within the time specified therein, the Secretary shall cause such person or persons to be removed from the building, room or space with the assistance of police and close down the building, room or space as the case may be, and thereupon all properties found in such premises shall, belong to the Municipality and shall be disposed of and the proceeds credited to the municipal fund.

(7)Every person to whom a licence has been issued under sub-section (2) shall pay without demand the licence fee and other charges at the rate specified in the agreement within such time as may be specified therein.

(8) Where any licensee defaults payment of licence fee for a period exceeding the period covered by the deposit made in terms of the licence, the Secretary shall, by notice, in writing, require the defaulter to remit the dues together with such penalty or interest as provided in the agreement within seven days of service of such notice and in case of failure, he shall immediately cause the premises to be closed down temporarily and the person or persons in occupation shall be got removed with the assistance of police or otherwise.

(9)Notwithstanding the closure of the premises under sub-section (8) the licensee shall continue to be the user and occupier of the premises and shall be responsible for the safe custody of the belongings therein, but he shall not break open the premises and re-enter therein and if he does so, he shall be deemed to have committed an offence under section 380 of the Indian Penal Code (Central Act 45 of 1860). 36 37

36.Sub-section (1) substituted by Act J4of1999. w.e.f. 24-3-1999
37.Substitutedfor "subject to such restrictions or limitations if any, as may be imposed by the Government in that behalf" by Act 14 of1999. w.e.f. 24-3-1999,

(10)Where the Secretary closed down a premises under sub-section (8), he shall, by notice, direct the licensee to clear off the dues within such time as may be specified in the notice.

(11)Where the licensee remits the dues as required in the notice under sub-section(10), the Secretary shall immediately put him in physical possession of the premises and if he fails to clear of the dues the Secretary shall cancel the licence forthwith and the order cancelling the licence shall be communicated to him and if, for any reason, the order cannot be communicated to him in person it shall be published in the premises closed down under sub-section (8) which shall be deemed to be a sufficient notice.

(12)Where the Secretary has cancelled a licence under sub-section (11) he shall, with previous notice to the licensee and after public notice, dispose of by auction or otherwise the belongings found in the premises closed down on the day notified, and the proceeds thereof shall be adjusted towards the amount due from the licensee together with other charges and expenses in connection with the sale and the balance, if any, shall be returned to him. If the sale proceeds are not sufficient to defray the dues together with other charges or expenses in connection with the sale, the balance shall be recoverable from the licensee as if it
were an arrear of property tax.

CONTRACTS

216. POWEROF MUNICIPALITYTOEXECUTEWORKSONCONTRACTOROTHERWISE.— [38][(l) The Council may determine, either generally in the case of any class of works or specially in the case of any specific work, as to whether the works shall be executed through a Contractor or directly or through any beneficiary committee:

Provided that if any work is done by a benami contractor, in the guise of a beneficiary committee or of direct execution the amount expended on such work shall be deemed to be misappropriation of funds and the amount shall be recovered from those who are responsible for such expenditure.]

(2) Every Municipality, may, if it is found necessary in the interests of administration, enter into contracts with any person or agency for the performance of any work which the Council is under a duty to discharge under this Act, for such period and subject to such conditions as it may deem fit.

[39][(3) The preparation of estimates of works, its execution, the supervision thereof and incurring the expenditure thereto shall be done in the manner as prescribed.]

217. POWEROFTHEDIFFERENTAUTHORITIESTOSANCTIONESTIMATES.— [40][(l) Subject to the availability of resources and the provision in the budget estimate, the Authority competent to accord administrative sanction to the estimates of any works or schemes and the limit up to which such sanction may be accorded shall be as shown below, namely:—

(a) Town Panchayat

(i) Standing Committee	Upto twenty-five thousand rupees Exceeding twenty-five thousand rupees
(ii)Council	

(b)Municipal Council

(i) Standing Committee	Upto fifty thousand rupees Exceeding fifty thousand rupees
(ii)Council	

Corporation

	Upto one lakh rupees
(ii) Council	Exceeding one lakh rupees.]

38. Sub-section (1) substituted by Act 14 of 1999. w.e.f. 24-3-1999

(2)Subject to availability of resources, the powers vested in the authorities to sanction estimates shall, in cases in which consultation with the District Planning Committee concerned is necessary, be subject to such rates as may be made by the Government relating to technical scrutiny and sanction of the estimates by competent technical officers .

218. GENERALPROVISIONSREGARDINGCONTRACTS.— (1) A Municipality may enter into and perform all such contracts as it may consider necessary or expedient carrying into effect the provisions of this Act,

(2)The making of contracts under or for any purpose of this Act shall be subject to the following provisions, namely:-

(a)every contract shall be made on behalf of the Municipality by the Secretary;

(b)no contract for any purpose, which, in accordance with any provision of this Act, the Secretary may not carry out without the sanction of one of the other municipal authorities, shall be made by him unless such sanction has been obtained;

(c)Where tender is necessary no contract shall be made by the Secretary unless the tender therefore has been accepted by the competent authority;

Explanation.— The term 'tender' in this clause shall include any bid at an auction. (d)[39] * [41][x x x x)

(3) [42][x xxx]

219.MODEOFMAKINGCONTRACTS.— (1) Every contract entered into by the Secretary on behalf of a Municipality shall be entered into in such manner and form as to bind him if it were made on his own behalf, and may in like manner and form be varied or discharged:

Provided that-

(a)the common seal of the Municipality shall be affixed to every contract; and

in the case of contracts for the execution of any work or the supply of any materials or services the cost of which exceeds one thousand rupees, and in the case of all other contracts whatever be their value, the contract shall be in writing and shall be sealed with the common seal of the Municipality and shall specify-

(i)in the case of contracts for execution of works, supplies or service, the quantity of the work or the materials or services to be supplied, the cost to be paid for them and the time within which the work, supply or service should be completed; and

(ii)in the case of all other contracts, the relevant particulars,

(2)The common seal of the Municipality shall remain in the custody of the Secretary and shall not be affixed to any contract or other instrument except in his presence.

(3)No contract executed otherwise than as provided in this section shall be binding on the Municipality.

220. [43]*[x x \ x]*

221. SECURITYFORPERFORMANCEOFCONTRACTS. — The Secretary shall take sufficient security for the due performance of every contracts into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

39. Sub-section (3) added by Act 14 of1999, w.e.f. 24-3-1999.
40.Sub-section (1) substituted by Act 14 of1999, w.e.f. 24-3-1999. 41. Clause (d) omitted by Act 14 of 1999, w.e.f. 24-3-1999.
42.Sub-section (,3) omitted by Act 14 of1999, w.e.f. 24-3-1999.

Establishment

222.CONSTITUTIONOFACOMMONMUNICIPALSERVICE. — (1) The Government may, subject to such rules as may be prescribed, constitute a common municipal service for the employees under the service of the Municipalities in the State and regulate the recruitment and conditions of service of the employees of the Municipalities.

(2)Subject to such rules as may be made the power to sanction leave to the officers and employees of the Municipality shall be vested in the Secretary.

(3)The Municipal Council shall subject to such rules as may be made in this behalf, have the power to impose minor penalties on any officer or employee of the Municipality.

(4)An appeal may be preferred against an order of the Council imposing a minor penalty to the authority empowered (hereinafter referred to as "authority") in this behalf.

(5)An appeal under sub-section (4) shall be in such form and shall be filed within such time and manner as may be prescribed.

(6)The Authority shall, on receipt of an appeal under sub-section (4) give the appellant an opportunity of being heard and may either confirm, cancel or modify the order appealed against or may pass such other order as it deems fit.

(7)The Government may, either *suo motu* or on application call for the records relating to any order passed under sub-section (6) review such order and may pass such order in respect of the same as they deem fit:

[44][(8) in the case where disciplinary proceedings, which may result in the imposition of a major penalty, have to be initiated, against officers or employees of the Municipality, the Chairperson shall have the power to report to the authority competent to impose major penalty on such officer or employee. Under

the rules applicable to such officer or employee, and the authority shall consider the report and inform the Chairperson the final decision taken thereon.

(9) Every Municipality shall, make available the services, of its officers and employees, for the performance of the functions, entrusted by the Government, which involved the implementation of any scheme, project or plan.]

Provided that no application for review shall be entertained after the expiry of thirty days from the date the order sought to be reviewed was received by the applicant:

Provided further that an order affecting any party shall be passed only after giving that party an opportunity of submitting a representation:

Provided also that no review shall be done by the Government *suo motu* after the expiry of one year from the date of the order sought to be reviewed.

223.CREATIONOFPOSTSUNDER MUNICIPALITY.— (1) No post in the service of a Municipality shall be created except with the previous sanction of the Government.

(2) While according sanction under sub-section (1) the Government shall give due regard to the necessity and financial soundness of the Municipality.

44A**[224. APPOINTING AUTHORITIES.**— (1) The Council shall be the appointing authority in respect of the contingent posts in the Municipal Service and appointment orders in respect of them shall be issued by the Secretary, with the approval of the Council. 43

43.Section 220 omitted by Act 14 of1999, w.e.f. 24-3-1999.

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(2) The Government or the officer authorised by them in this behalf shall be the appointing authority in respect of all other posts whether they are included in the Municipal Common Service or not].

225. The Health Officer, the Engineer, the Electrical Engineer etc.— (1) The Government may, after consulting a Municipality, sanction a post of Health Officer and a post of Municipal Engineer for that Municipality.

(2)The Government may, after consulting a Municipality, which has undertaken the generation, transmission or supply of electrical energy, sanction a post of Municipal Electrical Engineer for that Municipality.

(3)The Government may sanction the post of A[Deputy Secretary,] Finance Manager, Accounts Officer, Revenue Officer and such other posts in a Municipal Corporation and giving due regard to the necessity and financial soundness of a Municipality may also sanction similar posts in a Town Panchayat and a Municipal Council.

(4)The Finance Manager shall, in addition to his duty as such, function as the advisor and Secretary to the Standing Committee for Taxation, Finance and Accounts of the Municipality concerned.

45**[226. CONTROLOF CHAIRPERSONOVERHEALTH OFFICER.**— (1) Notwithstanding anything contained in Travancore-Cochin Public Health Act, 1955 (XIV of 1955) or Madras Public Health Act, 1939 (Madras Act HI of 1939) the functions vested in the Secretary under this Act relating to public health matters and which are conferred upon the Health Officer by Section 14 of the Travancore-Cochin Public Health Act, 1955 (XIV of 1955), or Section 16 of the Madras Public Health Act, 1939 (Madras Act III of 1939), except the functions involving expenditure from the Municipal fund, shall be exercised by the health officer subject to the control and supervision of the Chairperson.

(2) Where there is no Health Officer in any Municipality the Senior Medical Officer of hospital, or public health centres or dispensaries under the control of thai Municipality, shall be the health officer ex-officio of the Municipality]

227. Special Provisions regarding Government servants lent to Municipality.—

46[(1) Subject to the terms and conditions as prescribed, the Government may transfer their officers and employees to the service of the Municipalities for the implementation of schemes, projects and plans entrusted or vested in the Municipality under this Act.

(1 A) The Government officers and employees transferred to a Municipality under sub- section (1) shall perform, in addition to their normal functions, any other connected functions assigned to them by the Municipality as if they are officers and employees of the Municipality.

(IB) The officers and employees so transferred shall be under the control and supervision of the Municipality, and the terms and conditions in regard to their services including disciplinary actions, shall continue to be the same as that applicable to them under the Government subject to the other provisions of this Act.

(IC) The salary of the Government employees transferred to the Municipality shall be paid by the

Government, until the Government decide that it shall be paid from the Municipal Fund.]

44A. Section 224 substituted by Act 8 of 1995,w.e.f 5-8-1999

44B.Substituted for the words by Act 8 of 1995,w.e.f 5-8-1999 45.Section 226 substituted by Act 14 of 1999, w.e.f. 24-3-1999.

46.Sub-section (1) substituted by sub-sections (1) to (Ic) by Act 14 of 1999, w.e.f. 24-3-1999.

(2) If such servant while employed in the Municipality or if any other servant of the Municipality does any work for the Government, the Government shall contribute to the municipal fund so much of the salary of such servant as the Government may consider to be an equivalent for such work.

(3)No Government servant employed by a Municipality shall, except in cases of emergency, be withdrawn from the service of the Municipality without its contest, unless and until the Government shall have given three months notice in writing to that effect to the Municipality or unless some other Government servant has been deputed to replace the one withdrawn.

(4)Government servants employed by a Municipality shall be entitled to leave and other privileges in accordance with the rules applicable to them while in Government service.

(5)Where disciplinary proceedings have to be initiated against any officer or employee referred to in sub-section (1), the Chairperson concerned shall have the right to conduct enquiry against such officer or employee and to submit report to Government.

(6)Notwithstanding anything contained in sub-section (5), the council shall have power, subject to such rules as may be made in this behalf, to impose minor penalties on any officer or employee referred to under sub-section (1).

[47]**[228. CONTROLOF SECRETARYOVERESTABLISHMENT.**— Subject to the provisions of this Act and bye-laws and regulations for the time being enforce, the Secretary shall specify the duties of the officers and employees of the municipal establishment and Secretary shall exercise supervision and control over them.]

[48]**[229. POWEROF CHAIRPERSONOVERESTABLISHMENT.**— The Chairperson shall exercise supervision and control over the work of all officers and staff under the Municipality, including the Government officers and employees who have been transferred to the Municipality by the Government under Section 30, or Section 52, or Section, 227; and may require the Secretary, to make available all necessary reports and informations relating to their work and shall have authority to issue all directions necessary for the speedy implementation of the decisions of the Council, or a Committee thereof.

229A. Relationship between the Elected Authorities and the Officers,— (1) The Government shall prescribe a general code of conduct relating the relationship between the elected authorities of the Municipality and its employees for the purpose of protection of the right of the officers and employees, under the control of the Municipality to tender advice on the matters dealt with by them, and their professional freedom and statutory rights.

(2)The views expressed by the officials shall be included in the minutes of discussions.

(3)There shall be a mutual respect in behaviour between the elected authorities, officials and employees of the Municipality, totally avoiding rude language, gesture or action.

(4)Any complaints on the infringement of the code of conduct by the elected authorities shall be considered by the Ombudsman for Local Self Government Institutions, constituted under section 271G of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the report thereon shall be forwarded to the Government for appropriate action.

(5)Oral instructions by the elected authorities to the officials shall be confirmed in writing before they are implemented.

229B. EXERCISEOFSTATUTORYFUNCTIONSOFTHEOFFICIALS.— Where any officer of the Municipality is vested with any statutory powers or functions to be independently and solely exercised by such officer, the Council, the Chairperson, the Chairman of standing committee or any Councillor, shall not interfere with or influence in the exercise of such powers or functions by such officer.] [47] [48]

47.Section 228 substitution by Act 14 of 1999, w.e.f. 24-3-1999.

48.Section 229 substituted by Sections 229, 229A & 229B by Act 14 of 1999, w.e.f. 24-3-1999

CHAPTER XIV

TAXATION AND FINANCE

230. ENUMERATIONOFTAXESANDDUTIES.— (1) Every Municipality may levy-fa) a property tax;
(b)a profession tax;

(c)a tax on animals and vessels;

(d)a show tax;

(e)a tax on advertisements;

(f)a tax on timber brought into the municipal area;

(g)a duty on certain transfers of immovable property in the shape of an additional stamp duty subject to the rules framed by Government.

(2) The Municipality may, for the purpose of providing any specific civic service or amenity levy a surcharge on any tax other than profession tax levied by the Municipality:

Provided that no surcharge shall be levied if a tax or cess is already being levied for the same purpose:

Provided further that such surcharge shall, in no case, exceed ten per cent, of the amount of the tax.

(3)The Municipality may in the manner prescribed levy a land conversion cess not exceeding rupees seventy five per are from the landholder in respect of a paddy field, marshy land, pond or watershed held by him which is converted into garden land or building site.

Explanation.— Nothing in this section shall be deemed to affect any of the provisions of the Kerala Land Utilisation Order,J967.

231.**RESOLUTIONOF COUNCILDECIDINGTOLEVYTAX.**— (I) Any resolution of a Council determining to levy a tax shall specify the rate at which and the date from which any such tax shall be levied.

(2) Before passing a resolution imposing a tax for the first time or increasing the rate of an existing tax, the Municipality shall publish a notice in the Gazette, at least in one newspaper published in the language of the locality having wide circulation in the Municipality, on the notice board of the office of the Municipality and in such other places within the municipal area as may be specified by the Council and in any other manner as it may determine, of its intention, fix a reasonable period not being Jess than one month for submission of objections, and consider the objection if any, received within the period specified.

(3) Any resolution abolishing an existing tax or reducing the rate at which a tax is levied shall immediately be reported to the Government:

Provided that in the case of a Municipality which has an outstanding loan either from the Government or from the Public or any other local body, such abolition or reduction shall not have effect without the sanction of the Government.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rate or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the Council.

232.**NOTIFICATIONOFNEWTAXES.**— Where a Council determines under section 231 to levy any tax for the first time or at a new rate, the Secretary shall forthwith publish in the prescribed manner the rate at which , the date from which and the period of levy, if any, for which such tax shall be levied.

Minimum rates

Town Panchayat	Municipal Council	Municipal Corporation	Municipal
(i) Tax for general purposes	[50][4%]	5%	[52][6%]
(ii) Lighting tax	[50][1%]	2%	2%
(iii) Drainage tax			2%
(iv) Water tax			1%
(v) Sanitary tax	1%	[51] [2%]	[52][2%]

Provided further that where water tax and drainage tax are levied, the Council shall declare what

proportion of tax is levied in respect of water works and the remainder shall be deemed to be levied in

respect of drainage works and the proportion so declared shall also be specified in the notification under

section 232.

[32A][(4)**THE**Municipal Council shall in the case of land used exclusively for agricultural purposes and which

is more than one hectare in extent, levy, these taxes on its annual value, excluding one hectare therefrom, at such

percentage as may be fixed by it:

49.*Substituted for the words "eight per cent", "ten per cent" and "fifteen per cent" respectively by Act 14 of 1999, w.e.f 24-3-1999.*

50. *Substituted for "5%", "2%" respectively by Acl 14 of 1999, w.e.f. 24-3-1999.* 51.*Substituted for "3%" by Act 14 of1999, w.e.f. 24-3-1999.*

52. *Substituted for "7%", "3%" respectively by Act 14 of 1999, w.e.f. 24-3-1999. 52A.Inserted by Act 8 Of 1995.*

Provided that such percentage shall not exceed the maximum, if any, fixed by Government.

Explanation.— For the purpose of this section the annual value of land shall be deemed to be the total annual rent which can be reasonably be expected if it is leased out from year to year.]

53[(5) Notwithstanding anything contained in sub-section (3) and sub-section (4) the minimum property tax to be given for a half year shall be twenty five rupees in the case of a Town Panchayat or a Municipal Council and fifty rupees in the case of a Municipal Corporation.]

234, METHODOFASSESSMENTOFPROPERTYTAX.— (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

54{*(2)* Notwithstanding anything contained in the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 7965) or any other Jaw for the time being in force, for the purpose of assessing the property tax, it shalJ be assessed in the prescribed manner on the basis of the annuaJ value of any buildings and lands adjacent to it, the importance of area where the building is situated, type of the building construction, method of use, plinth area, reasonable annuaJ maintenance cost etc. and the tax shall be determined for the said building and land at the rate fixed by the Council under sub-section(3) of Section 233:

Provided that from the property tax assessed in such manner, property tax shall be fixed by allowing the deduction at the rate of ten per cent to buildings above ten years and upto twenty years old, twenty per cent to buildings above twenty years and upto fifty years old and twenty-five percent to buildings above fifty years old,

(3)In the case of a building given for the use of another person upon rent or on such other condition by the owner, the property tax shall be assessed by adding with it an amount equal to twenty-five per cent of the assessed tax under sub-section (2).

(4). The Government may make rules regarding the person by whom and the intervals at which the annual value of buildings, the deduction or addition in the tax to be made etc,, is to be determined and the procedure for the realisation of tax amount.]

235. EXEMPTION.— (1) The following buildings and lands shall be exempt from the property tax:

(a)places set apart for public worship, and either actually so used or used for no other purpose;

(b)buildings used extensively for public worship;

(c)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;

(d)buildings recognised by the Government or registered with the Municipality under this Act and owned and occupied by educational institutions and used only for teaching and libraries open to public.

(e)ancient monuments protected under the law relating to the preservation of ancient monuments applicable to the State for the time being in force, or part thereof, as are not used as residential quarters or as public offices;

(f) burial and burning grounds included in the register kept at the office of the Municipality under section 486;

(g)buildings or lands belonging to the Municipality;

(h)*Sub-section (5) added by Act 14 of1999. w.e.f. 24-3-1999.*

(i) Sub-section (2) *&* (3) substituted bv sub-sections *(2).* (3) & (4) bvAct 14 *of1999. w.e.f 24-3-1999*

(j) such property of Government not being buildings, as may from time to time be notified by the Government; and

(1)public building and places used for charitable purposes of sheltering the distitutes or animals.

35[(j) Building with mud walls or roof thatched with leaves or light weight sheet and having a plinth; area of less than twenty Sq, metres;

(k) Residential building constructed by a person who belongs to economically weaker section, using Government subsidy and having a plinth area of less than twenty Sq. metre.]

Explanation.— The exemption granted under the section shall not extend to buildings and lands for which rent is realised by the owners thereof and to residential quarters attached to schools and colleges not being hostels or residential quarters attached to hospitals, dispensaries and libraries.

(2) A Municipality may, with the previous sanction of the Government exempt any particular part of the Municipal area from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water supply and drainage scheme or from the lighting system.

(3)A Municipality may exempt any building or landfrom the whole or any portion of thesanitary tax if it is satisfied that the owner or occupier has made efficientandsatisfactory arrangements for the daily removal therefrom of rubbish, filth and carcasses of animals.

(4) [55] [56] [57]**[xxxx]**

(5) Notwithstandinganything contained in this Act or any other law forthe time being in force,in the case of properties exempted from property taxunder "[sub section (1)], the Municipality shall be entitled to claim the cost of services covered by the service taxes.

236. TAXATIONTOBEUNIFORM.— The rate of any class of property tax on lands when levied on their annual value under sub-section (3) of section 233 may be lower than the rate of the same class of property tax on buildings, but either rate shall be uniform throughout the municipal area on all buildings or on lands liable to be so taxed on their annual value, as the case may be.

237.PROPERTYTAX, FIRSTCHARGEONPROPERTY.— The property tax on buildings and lands shall, subject to the prior payment of land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

238.REVISIONANDTIMEOFPAYMENTOFPROPERTYTAX.— Subject to the rules made by Government the property tax shall be assessed and the half-yearly tax determined [58][once in every four years] and the half-yearly tax shall be payable by the owner of the assessed property within thirty days of the commencement of each half-year:

Provided that except in the case of substantial improvements or addition to an existing building since the last assessment, the annual value of any building shall not exceed the limit, if any, fixed by the Government from time to time.

55.Clause (j) & (k) added by Act 14 of1999. w.e.f. 24-3-1999.

56.Sub-section (4) omitted by Act 14 of1999, w.e.f. 24-3-1999.

57.Substituted for "sub-sections (1) and (4) " by Act 14 of1999, w.e.f. 24-3-1999.

[59][Provided that revision of tax after the date of first April 1998, shall come into force on the date fixed by the Government.]

239.VACANCYREMISSION.— f **1**) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for a half-year, the owner shall be entitled to a remission of tax for that half-year.

(2)If the owner had already paid the tax in respect of a half-year in which a remission is due, he shall be entitled to get either refund or shall be entitled to get the amount adjusted in the tax for the succeeding half-year.

(3)(a) No such remission shall be admissible unless the owner of the building or his agent has previously thereto delivered notice to the Secretary-

(k)that the building is vacant and unlet, or

(ii)that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(b) Every notice under clause (a) shall expire with the half-year succeeding the half-year during which it is so delivered and shall have no effect thereafter.

240.Obligation of transferor and transferee to give notice, of transfer.— (l)When-everthe title of any person primarily liable to the payment of property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execi tion of the instrument of transfer or after its registration if it be registered or, after the transfer is effected, if no instrument be executed, give notice of such transfer to the Secretary.

(2)In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall devolve, as heir or otherwise, shall give written notice of such transfer to the Secretary within one year from the date of death of the deceased.

(3)The notice to be given under this section shall be in such form as the Secretary may specify and the transferor, and the transferee or in the case of death of a person, the person to whom the title passes, as the case may be, shall if so required, be bound to produce before the Secretary any documents evidencing the transfer or succession.

(4)Every person who makes a transfer as aforesaid without giving such notice to the Secretary shall, in addition to any other liability which, he may incur for such failure, be liable for the payment of property tax assessed on the premises so transferred until he gives notice or until the transfer is recorded in the registers of the Municipality, but nothing in this section shall be held to affect-

(a)the liability of the transferee for the payment of the said tax, or

(b)the prior claim of the Municipality under section 237.

241. OWNER'SOBLIGATIONTOGIVENOTICEOFCONSTRUCTION, RECONSTRUCTIONOR DEMOLITIONOFBUILDING.— (l)(a) If a building is constructed or reconstructed in a Municipal area the owner shall give notice thereof to the Secretary within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall subject to notice being given under clause(a), be entitled to a remission of the whole of the tax or enhanced lax, as the case may be, payable in respect of the building only, for that half-year. [58] [59]

58.Substituted for "once in every five years" by Act 14 of1999, w.e.f. 24-3-1999 59.Proviso added for by Act 14 of1999, w.e.f. 24-3-1999.

(c)If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause(a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2)(a) If any building in a municipal area is demolished or destroyed, the owner shall, until notice thereof is given to the Secretary, be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(b)If such notice, is given within the first two months of a half-year the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only; for the half-year.

(c)If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year, succeeding the demolition or destruction, as the case may be.

242. ASSESSMENTOFBUILDINGCONSTRUCTEDUNLAWFULLY.— (1) Notwithstanding anything contained in this Act or the rules made thereunder, where any person has unlawfully constructed or reconstructed any building, such building shall, without prejudice to any action that may be taken against that person, be liable to 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(l) shall preclude the Secretary from proceeding against such person under section 406 of the Act and the owner shall not be entitled to any compensation or damages due to any action taken by the Secretary under this section.

243.**Remission of tax in areas included or excluded in the middle of a half-year.—**

(1) Where any area is included within a municipal area the owner of every building or land in such area shall -

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay property tax in respect for that half-year; and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much tax not exceeding half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2)Where any area is excluded from a municipal area, the owner of every building or land in such area shall be entitled-

(a)if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much tax not exceeding a half of the property tax payable in respect thereof for that halfyear, as is proportionate to the number of days in that half-year succeeding such date.

(3)No remission shall be granted under sub-section(2) in respect of any building or land unless an application in writing for such remission is made to the Secretary within three months from the date of exclusion of the area in which the building or land is situated.

244.**Secretary's power to call for information and to enter upon premises.—** (1)For the purpose of assessing property tax, the Secretary may, by notice, cal 1 upon the owner or occupier of any land or building to furnish him, within thirty days after the service of the notice where the notice is served upon the Government or a company and within fourteen days after such service in other cases, with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land and building, and with such other information as the Secretary may require; and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2)For the purpose of sub-section(l), the Secretary may, alter giving twenty four hours notice to the owner or the occupier, enter, inspect, survey and measure such building or land.

PROFESSION TAX

245.**PROFESSIONTAX.—** (1) Where the Council by a resolution determines that a profession tax shall be levied-

A.every company which after the date specified in the notification published under section 232-

(1)transacts business in the municipal area for not less than sixty days in the aggregate to any half-year; or

(ii) transacts business outside the limit of the municipal area but has its head office or place from which its business is controlled within the municipal area for not less than sixty days in the aggregate in any half-year; and

B.every person, who after the said date in any half-year,—

(a)exercises a profession, art or calling or transacts business or holds any appointment, public or private-

(i)within the municipal area for not less than sixty days in the aggregate; or

(ii)outside the municipal area, but who resides within the municipal area for not less than sixty days in the aggregate; or

(b)transacts business outside the municipal area but has his head office or place from which his business is controlled within the municipal area for not less than sixty days in the aggregate; or

(c)resides in the municipal area for not less than sixty days in the aggregate and is in receipt of any income from investments, shall pay a half-yearly tax assessed in accordance with the rules as may be made.

(2)A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section(l)as being liable to tax.

(3) Where a company or person proves that it or he has paid the sum due on account of the profession tax levied under this or any other Act for the same half-year to any local authority in theState, such company or person shall not be liable, by reasonsmerely of change of place of business, exerciseof profession, art or calling appointment or residence, to pay to any other local authority more than the difference between such sum and the amount to which it or he is otherwiseliable for the profession tax for the half year under this or such other Act.

(4)Nothing contained in this section shall be deemed to render a person who resides within the local limit of one local authority and exercises his profession, art or calling, or transacts business, holds any appointment within the local limits of any other local authority or local authorities liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities and in such cases, the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government thereon shall be final.

Explanation.— For the purpose of this section "aggregate income" shall not include local allowance or allowances for house rent, [60][x x], carriage hire or travelling expenses.

246.**Liability of members of firms, associations etc., to profession tax.— 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.

247.**LIABILITYOFSERVANTSOFAGENTSTOPROFESSIONTAX.**— (1) Where a company or person employs a servant or agent to represent it or him for the purpose of transacting business in a municipal area, such company or person shall be deemed to transact business in the muncipal area and such servant or agent shall be liable for 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.

(2)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,

248.**STATEMENTS, RETURNSETC., TOBECONFIDENTIAL.**— All statements made, returns furnished or accounts or documents produced, in connection with the assesment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be issued to public.

249.**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 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 them and the period of such occupation.

250.**Requisition on employees or their representatives to furnish list.— The**
Secretary may, by notice, require any employer or the head or the Secretary or the manager of any public or private office, hotel, boarding or lodging house or club or of a firm or a company-

(a) to furnish, within a specified time, a list in writing of the names of all persons employed by such employer or in such office, hotel, boarding or lodging house, club, firm or company as officers, servants, interpreters, 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.

251. **MEANINGOFTHEEXPRESSION 'TRANSACTSBUSINESS'.**— (1) The expression "transacts business" in section 245 shall be deemed to include 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 in goods.

(2)Where for the purpose of transacting business within the municipal area, a company or a person has an office or an agent or a firm to represent it or him, the company or the person shall be deemed to transact business within the municipal area, whether or not such office, agent or firm has power to make binding contracts on behalf of the company or the person; and the 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,

(3)A company or a person otherwise liable to profession tax under section 245 shall not cease to be liable to such tax by reason only of its or his head office or the place from which its or his business is controlled being situated outside the municipal area, or by reason only of the fact, that its or his transactions are finalised outside the municipal area.

(4)**RECOVERYOFPROFESSIONTAXBYEMPLOYERS.**— Notwithstanding anything contained in the foregoing provisions, every head of office or employer or manager or proprietor or 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 Municipality and pay over to the Municipality as hereinafter provided.

(5)**REQUISITIONTOFURNISHNAMEOFINSTITUTIONSETC.**— (1) The Secretary shall, during the month of April every year, by notice, require every head of office or person liable to recover profession tax under section 252 to furnish to the Secretary the names and addresses of the offices or institutions under his control within such time as may be specified in the notice.

(6)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 of head of office.

(7)The Secretary shall on receipt of the information furnished to him under sub-section (1) register the name of the offices or institutions in a register to be maintained for the purpose.

(8)**ASSESSMENTOFPROFESSIONTAXBYHEADOFOFFICEETC.**— (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 every employee in his institution liable to 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 of every year, head of office or employer shall assess every employee liable to tax and recover the amount from him and pay over to the Municipality together

with a list of all employees who have been assessed to tax giving the details such as name, designation, half-yearly income and the 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.

252.**ISSUEOFRECEIPTFORREMITTANCE.**— (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 tax payer a certificate of recovery and payment of tax to the Municipality for the half-year in question.

253.**PAYMENTOFTAXBYSELFDRAWINGOFFICER.**— (I) 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 each half-year in accordance with the schedule of tax in force along with a statement showing the details of half-yearly income.

(2) On receipt of payment under sub-section(l), the Secretary shall issue official receipt therefor.

254.**MAINTENANCEOF 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 253, 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 can be used for one or more years.

255.**Certificate of drawing and disbursing officers and self-drawing officers.— A** certificate shall be furnished in the salary bill of the drawing and disbursing officer and the self drawing officer 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 furnished to Secretary and in the absence of such certificate the passing officer shall not honour the bill.

259. PENALTYFORNON-PAYMENTOFTAX.— Where at any time it appears to the Secretary that any head of office or employer or self drawing officer under a duty to furnish the particulars and remit the tax due as specified under section 253,254 and 256 has failed to furnish such details or to remit the tax due within the specified time the Secretary shall immediately thereafter prosecute such defaulter or defaulters.

Explanation.— For the purpose of this section and sections 252 to 258 (both inclusive) the expression Head of office or employer in relation to an office, institution, undertaking, establishment etc., shall mean the person authorised to draw and disburse the salary or wages of the employees in such office, institution, undertaking or establishment.

TAX ON ANIMALS AND VESSELS

260. LEVYOFTAXONANIMALSANDVESSELS.— The Council may, by resolution, levy a tax on such animals and vessels of the kind specified in the rules and kept or used within the municipal area.

261. **TAXLIABILITYTOBEINACCORDANCEWITHPERIODFORWHICHTHEANIMALSOR VESSELSHAVEBEENKEPT.**— (I) Every person having possession, custody or control of any taxable animal or vessel shall be liable for the full half-yearly tax if the animal or vessel has been kept or used within the municipal area for an aggregate period of not less than sixty days in a half-year.

(2)If such aggregate period exceeds fifteen days, but is less than sixty days, one half of the half-yearly tax alone shall be leviable.

(3)If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4)Every person having possession, custody or control of any taxable animal or vessel within a municipal area shall, until the contrary is shown, be presumed to have kept the same within the municipal area for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2) no person shall be liable-

(a)to pay tax to the Municipality during any half-year on account of any animal or vessel in respect of which the full tax for the same half-year has already been paid to the Municipality by some other person; or

(b) to pay to the Municipality on account of any animal or vessel in respect of which tax has already been paid to any other local authority whether under this Act, or any other Act in force, more than the excess, if any, of the tax payable in the Municipality in respect of such animal or vessel over the tax already paid to the other local authority.

262.**EXEMPTIONS,**— No tax shall be levied on-

(a)animals and vessels belonging to the Government;

(b)animals and vessels kept solely for sale by dealers;

(c)animals and vessels belonging to the Municipality;

(d) animals, which during the whole of a half-year have been kept in any institution for the reception of infirm or disabled animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year; and

(e)vessels which during the whole of a half-year have been kept in a place for repairs.

(f) **COMPOSITIONOFTAX.**— With the sanction of the Council or in accordance with the regulations made by a Municipality , the Secretary may compound, for a period not exceeding one year, with any livery stable-keeper or other person keeping animals and vessels for sale or hire, for such sum as the Council may determine or as the case may be, as the regulation may provide in lieu of the tax on such animals and vessels.

(g)**RETURNSTOBEFURNISHEDBYTHETAXPAYERS.**— (l)The Secretary shall, before the commencement of each half-year, publish a notice requiring every person who, within the municipal area, keeps, owns, possesses any animal or vessel liable to tax to furnish a return in the form specified by him.

(h)Every person who keeps, owns or possesses any animal or vessel liable to tax for more than fifteen days in a half-year shall furnish a return under sub-section (l)to the Secretary.

(i) The Secretary shall on receipt of the return, send to every such person a halfyearly bill requiring him to pay the tax within the time, specified in the bill.

(j) **GRANTOFLICENCEONPAYMENTOFTAX.**— On payment of tax by a person in respect of any animal or vessel, the Secretary shall issue a licence to him to keep or use such animal or vessel for the period to which the payment relates,

(k)**NUMBERINGOFVESSELSANDANIMALS.**— (1) The Secretary may direct that a municipal number shall be affixed to every vessel for which a licence has been granted under section 265 and that a token bearing a municipal number issued shall be kept by the owner of every animal for which a licence has been issued under that section.

(l) All numbers affixed or tokens issued under sub-section (1) shall be entered in a register to be kept for the purpose in the office of the Municipality.

(m)The register referred to in sub-section (2) shall be open to inspection at all reasonable times, without payment of any fee by any person who pays tax to the Municipality,

(n)**SEIZUREOFVESSELSANDANIMALSWITHOUT MUNICIPALNUMBERS.**— Where a Municipal number is not affixed to a vessel or a token bearing a municipal number is not kept in respect of an animal, in pursuance of any direction under section 266, the Secretary may at any time seize and detain such vessel or animal.

(o)**DISPOSALOFVESSELSANDANIMALSSEIZEDBYTHE MUNICIPALITY.**— (1) Where the vessel or animal seized under section 267 is not claimed, and the tax due thereon not paid and a municipal number affixed or token obtained as the case may be, within ten days from the date of seizure, the Secretary may direct that the vessel or animal, as the case be, shall be sold in public auction and the proceeds of the sale applied to the payment of,-

(p)the tax, if any, due on the vessel or animal sold;

(q)such penalty not exceeding the amount of the tax as the Secretary may direct; and

(r) the charges incurred in connection with the seizure, detention and sale.

(s) The balance of the sale proceeds, if any, shall be kept as a deposit for a period of one year from the date of sale and if not claimed within that period shall be credited to the Municipal fund.

(t) Where the owner of the vessel or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of,-

(b) assignment on lease of immovable property for not less than one year but not more thanfive years

(c) assignment on lease of immovable propertyfor more than five years but not exceedingten years

(d) assignment on lease of immovable propertyexceeding tenyears but not being a perpetuallease

(e) perpetual lease of immovable property -	
(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 value of the property, of the greater value, as set forth in the instrument.
	The value of the property, as set forth in the instrument.
	The amount secured by the mortgage, as set forth in the instrument.
	The same stamp duty on sale deed for a consideration equal to the amount of consideration of transfer. (item 21 or 22, as the case may be, of the Schedule to the Kerala Stamp Act, 1959) 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 the price fixed.
	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.
	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.
	An amount equal to one sixth of the total amount of lease remitted or paid for the first fifty years as shown in the instrument.]
	The same duty as a conveyance (Sl.No.21 or 22 of the Schedule to the Kerala Stamp Act, 1959, as the case may be) for such amount or value as set forth in the release.

61A.Substitued by Act 34 of 2005

TAX ON ADVERTISEMENTS

271.TAXONADVERTISEMENTS.— Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure in a municipal 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 on every such advertisement a tax calculated at such rates and in such manner and subject to such exemptions as the Council with the approval of the Government, by resolution determine:

62[Provided that the rates shall not be less than the rate specified by the Government for this purpose.] Provided further that the tax under this section in 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 authority shall be levied by a Municipality only if such vehicle-fa) commences its operation from the municipal area of that Municipality; or

(b)commences its operation from a place other than a municipal area and passes through that municipal area before it passes through the local limits of any other local authority:

Provided also that no tax shall be leived under this section 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 sky sign and which-

(a)is exhibited within 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 any effects therein or to any sale, entertainment or meeting to be held upon or in 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; or

(d)relates to the business of any railway administration; or

(e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation 1.— The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.— The expression "sky-sign", in this section, means any advertisement supported on or attached to any post, pole, standard, frame work or other support wholly or in part upon or over any land, building, wall or 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, standard, frame work or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon over any public place, but shall not include-

62. Proviso added for by Act 14 of1999, w.e.f. 24-3-1999.

(a)any flagstaff, 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 continguous face and 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 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 place wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot 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 building.

Explanation 3.— Public place shall for the purpose of this section 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.

272.Prohibition of advertisement without written permission of the Secretary.—

(1)No advertisement shall, after the levy of the tax under section 271 has been determined upon by the Council, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the muncipal area or shall be displayed in any manner whatsoever in any place in that 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 Council under clause (32) of section 567; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3)Subject to the provisions of sub-section(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 a railway administration.

273.PERMISSIONOFTHE SECRETARYTOBECOMEVOIDINCERTAINCASES.— The permission granted under section 272 shall become void in the following cases, namely;-

(a)if the advertisement contravenes any bye-law made by the Council under clasuse (32) of section 567; or

(b)if any addition to the advertisement be made except for the purpose of making it secure under the direction of the municipal engineer; or

(c)if any material change be made in the advertisement or any part thereof; or

(d)if the advertisement or any part thereof falls otherwise than through accident; or

(e)if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof; or

(f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

(g)**OWNERORPERSONINOCCUPATIONTOBEDEEMEDRESPONSIBLE.**— 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 271 or section 272 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or becomes void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained the advertisement in contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(h)**REMOVALOFUNAUTHORISEDADVERTISEMENT,**— (I) Where any advertisement is erected, fixed or retained contrary to the provisions of sections 271 or section 272 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or becomes 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.

(i) any person exhibiting or responsible for exhibiting any advertisement otherwise than in accordance with the provisions of this Act shall be liable, in addition to the penalty prescribed in the Fourth Schedule and the Fifth Schedule to pay the Municipality the charges of the removal of the unauthorised advertisement.

(j) **COLLECTIONOFTAXONADVERTISEMENT.**— The Secretary may farm out the collection of any tax on advertisement leviable under section 271 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 567.

TAX ON TIMBER

277. TAXONTIMBER.— (1) Where a Council, by a resolution determines that a tax shall be levied on timber brought into the municipal area, such tax at such rates, not exceeding twenty-four rupees per tonne shall be levied in such manner as may be determined by the Council:

Provided that no tax shall be levied on any timber brought into a municipal area in the course of transit to any place outside that area and directly removed out of a Muncipal area by rail, road or water.

(2)No timber shall, except in the case referred to in the proviso to sub-section(l), be brought into a municipal area unless the tax due thereon has been paid.

(3) The tax shall be levied on timber kept within a Municipal area for sale if the Secretary has reason to believe that the tax, if any, due thereon has not been paid:

Provided that the tax shall not be levied if the person keeping timber for sale produces satisfactory proof of the previous payment of the tax thereon.

(4)The Secretary may call for the accounts of any person keeping timber for sale for the purpose of levying the tax under sub-section (3).

(5)Where the Secretary is satisfied that any person has wilfully evaded the payment of any tax leviable under this section, the Secretary may direct that such person shall, in addition to such tax, pay by way of penalty a sum not exceeding the amount of such tax and the penalty shall be recoverable in the same manner as tax.

(6)The Council may make bye-laws for the seizure and sale of timber in respect of which the tax due is not paid and otherwise for carrying out all or any of the provisions
relating to the levy of tax on timber.

278.COLLECTIONOFTAXONTIMBER.— The Secretary may, with the sanction of the Council, farm out the collection of tax under section 277 for a period not exceeding one year.

279.LEVYOFTAXONDIRECTIONBY GOVERNMENT.— (1) Notwithstanding anything contained in this Act the Government may, by order published in the Gazette-

(1) direct a Municipality to levy either retrospectively or prospectively the property tax or any class of property tax, or any other tax leviable under this Act or any other law, at such rate and with effect from such date, as may be specified in the order; and

(ii) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits as may be specified in the order.

(2)When an order under sub-section(l) has been published, the provisions of this Act relating to tax shall apply as if the Council had on the date of publication of such order by resolution determined to levy the tax at the rate and with effect from the date specified in the order and as if no other resolution of the Council under section 231 determining the rate at which and the date from which such tax shall be levied had taken effect.

(3)The Council shall not alter the rate at which the tax or any class of such tax is levied in persuance of an order under sub-section (1J or abolish such tax except with the previous sanction of the Government.

280.ASSIGNMENTOFTAXBY GOVERNMENT.— The Government may, by order published in the Gazette, assign to a Municipality such taxes, duties, tolls and fees levied by the Government for such purposes and subject to such conditions and limits as may be specified in the order.

GENERAL PROVISIONS REGARDING TAXATION AND FINANCE

281.EXEMPTION.— (1) Nothing contained in this Chapter shall be construed to make the Government liable to pay any profession tax in respect of any commercial, industrial or other like undertakings which are owned or managed by or on behalf of the Government.

(2) The Government, or with the sanction of the Government the Municipality may exempt any person or class of persons wholly or in part from the payment of any tax . But nothing in this section shall be deemed to authorise the exemption of any person solely on the ground that he is a Councillor.

282. POWERTOassess INCASEOFESCAPEFROMASSESSMENT.— Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, where for any reason a person liable to pay any tax or fees leviable under this Chapter has escaped assessment in any half- year, the Secretary may at any time within four years from the date on which such person should have been assessed, serve on him a notice asseessing to the tax or fee due and demanding payment thereof within fifteen days from the date of such service and thereupon the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the half-year to which the tax or fee relates. [63]

[63][283. **Municipal Fund**— (1) All moneys received by a Municipality under this Act or the rules made there under or any other law for the time being in force, shall constitute a fund which shall be called the Municipal Fund and shall be utilised and disposed of subject to the provisions of this Act or any other laws.

(2) The items of income to be credited to the Municipal Fund consist of the following,
namely:—

63. Section 283 Substitued by Act 14 of1999.

(a)Taxes, duties cess and surcharge levied under this Act or any other law, the rent from properties, fees from licences and permissions and its income from other miscellaneous items;

(b)Share of the taxes levied by the Government and transferred to the Municipality and the grants released to the Municipality by the Government;

(c)Grants released by the Government for the implementation of schemes, projects and plans formulated by the Municipality;

(d)Grants released by the Government for the implementation of the schemes, projects and plans assigned or entrusted to the Municipality under this Act; and

(e)Money raised through donations and contributions from the public and non-governmental agencies.

(1) All fees for licences and permissions received by the Municipality under this Act or any other law shall be accounted separately and shall be utilised for the purpose for which such fees are levied.

(2)Grants released by the Government to the Municipality for the implementation of the schemes, projects and plans shall be utilised only for that purpose for which such grants are released.

(3)The share of taxes levied by the Government and transferred to the Municipality and the grants released to the Municipality shall be fixed by the Government with due regard to the recommendations of the Finance Commission and the needs of development and the cost of the Municipal administration and services.

Provided that any sum due from a Municipality to the Government or any fund established or operated or administered under any rules made under, this Act or any fund borrowed from any public sector undertaking or any agency on Government guarantee may be adjusted by the Government from any grant or sum due to the Council then and thereafter,

(4)No expense, financial assistance or grant for a purpose not directly concerned with the function of the Municipality specified in this Act or rules made thereunder or any other law shall be made by a Municipality in excess of the annual limit that may be specified by the Government.

(5) All amounts accounted to the Municipal fund and of its release under this Act, shall Kin full rupee.

EXPLANATION:— For this purpose fraction of a rupee shall be rounded to the next higher rupee.]

64[283A. **ANNUALREPORTREGARDINGGRANTS.**— (1) The Chief Secretary of the State shall submit an annual report to the Governor, immediately after the expiry of each financial year, regarding any amount of grants to be received annually by the Municipality as per any law or otherwise, and the actual amount given to the Municipality and the criterion adopted by the Government for such payment.

(2) Annual report under sub-section (1) shall be laid before the Legislative Assembly, within the first six months of the next financial year.]

284. CONSTITUTIONOFPOVERTYALLEVIATIONFUND.— Every Municipality shall provide in its Annual Budget two per cent of the revenue receipt of the Municipality for constituting a separate fund to be called Poverty Alleviation Fund for implementing poverty alleviation programmes in the municipal area, which shall be utilised subject to such guidelines as the Government may issue from time to time.

64. Section 283A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

285. **ESTIMATESOFRECEIPTSANDEXPENDITURETOBEPREPAREDANNUALLYBYTHE SECRETARY.**— The Secretary shall, subject to such rules as may be prescribed and such instructions as may be issued by the Government, in this behalf from time to time on or before the fifteenth day of January each year prepare and submit to the Standing Committee concerned a budget containing a detailed estimate of receipts and expenditure for the ensuing year, and, if in his opinion, it is necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.

286. **Budget estimate to be prepared by the Standing Committee.— 65[(1) The** Standing Committee concerned shall by considering the estimate and proposals of the Secretary and the officials dealing with the respective subjects concerned submit their proposals to the Standing Committee for finance and after considering those proposals and all the requirements of this Act the Standing Committee for finance shall prepare budget estimate of the receipts and expenditure of the Municipality for the next year]

(2) The budget estimate under sub-section(l) shall-

(a)provide for the payment, as they fall due, of all instalments of principal and interest for which the Municipality may be liable on account of loans; and

(b)allow for a cash balance at the end of the year of not less than 65A[five per cent] of the revenue of the Municipality.

66]287. **CONSIDERATIONOF BUDGET ESTIMATEBYTHE COUNCIL**— The budget estimate prepared by the Standing Committee for finance shall be laid by its Chairman before the Council for its approval before the end of the first-week of March at a special meeting of the Council after an introductory address of the Chairperson regarding the developmental and welfare activities intended to be undertaken and implemented by the Municipality.]

288.PROCEDUREOF COUNCIL.— The Council may refer the budget estimate back to the Standing Committee for further consideration and resubmission within a specified time, or adopt, subject to such rules as may be prescribed, the budget estimate or any revised budget estimate submitted to it, either as it stands or subject to such alterations as it deems expedient.

289.OBLIGATIONTOPASSBUDGETBEFORETHEBEGINNINGOFTHEYEAR.—67[1] The Council shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit copies thereof to the Government, and the officer authorised by the Government in this behalf and to the auditors.

67[(2) Unless the council has passed the budget before 1st April, from that date onwards, no amount shall be expended from the Municipal Fund.]

290. Consequence of failure of Standing Committee to prepare budget.— Notwithsta- nding anything contained in sections 286,287 and 288 68[where the standing committee for finance fails] or omits or delays the preparation of the budget estimates of the Municipality within the prescribed period, the 69[Chairperson] shall cause the proposals prepared by the Secretary to be laid before the Council and the Council shall, before the beginning of the ensuing year, pass the budget estimates as proposed by the Secretary with or without modification.

291™[x x x x]

292.71[x x x x] 65 66

4 of1999, w.e.f. 24-3-1999.

65A.Substituted by Act 8 of

66. Section 289 substituted by Act 14 of1999, w.e.f. 24-3-1999.

293.PREPARATIONOF BUDGETANDITSAPPROVAL.— (1) The Budget to be prepared by the Standing Committee of each Municipality under section 286 shall be prepared and submitted before the Council in the prescribed form and manner, and got approved with modifications as it deems fit.

(2)The working balance shown in the budget should not be less than 5% of the current year's estimated receipts excluding the receipts from endowments Government grants, contributions and debt heads.

(3) The estimated receipts should be detailed and real and apparent differences, if any, from the actual receipts of the last year should be accompanied by detailed notes and explanations.

(4)It shall incuide necessary provision for all fixed charges and discharge of debts.

(5)The Standing Committee shall, if it is found necessary during the course of a year that the estimates relating to its receipts or the expenditure in respect of the various services undertaken by it as shown in the Budget require modifications, prepare a supplementary or revised Budget and lay it before the Council for approval.

(6)While incurring expenditure, no amount other than those included in the current budget estimates shall be expended except under unavoidable emergent circumstances

72-[(7) No expenditure, out of the amount granted by the Government for the implementation of any Scheme, project or plan entrusted and delegated to the Municipality under this Act shall be incurred for any other purpose including the implementation of any other scheme, project or plan.]

294.ANNUAL FINANCIAL STATEMENT.— (1) The Secretary of a Municipality shall publish, not later than the first week of June, an annual financial statement of the preceding year, approved by the Council, in such form as may be prescribed embodying a classified abstract of receipts and payments of the Municipality under Revenue, Capital and Debt heads, a demand, collection and balance statement and a statement of the general financial position of the Municipality.

(2)As soon as may be, after the publication of the financial statement under subsection (I), the Secretary shall forward a copy there of to the auditors.

295. ACCOUNTSAND AUDIT.— (1) The Municipality shall maintain its accounts and other books connected with the accounts in the manner and form as prescribed and shall enter the receipt and expenditure accounts forthwith in such books.

(2)The responsibility to maintain or cause to maintain the accounts and the connected books of the Municipality in the manner and form as prescribed and to submit or cause to submit such accounts to the Local Fund Examiner for conducting audit in the time shall west with the Secretary.

(3)The Examiner of Local Fund Accounts and his nominees shall be the auditors of the Municipality.

(4) The auditors shall maintain a continuous audit of the accounts of the Municipality 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 Municipality concerned and a copy thereof to Government.

67.Section 289 renumbered as sub-section (1) of that section and added sub-section (2) by Act 14 of 1999, w.e.f. 24-3-1999.

68.Substituted for the words by Act 14 of1999, w.e.f. 24-3-1999.

69. Substituted for the words "Chairman" by Act 14 of1999, w.e.f. 24-3-1999.

70.Section 291 omitted by Act 14 of1999, w.e.f. 24-3-1999

71.Section 292 omitted by Act 14 of1999, w.e.f. 24-3-1999

(4)The auditors shall specify in the report under sub-section (2) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the Municipality or any laws or

waste of money, or other property thereof caused by the neglect or misconduct of the officers or authorities of the Municipality.

(5)The auditors shall also report to Government on any other matter relating to the accounts of the Municipality as required by the Government.

(6)The Municipality shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to Government within three months.

(7)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 person and examining him on oath; fb)

requiring the discovery and production of any document;

(c)receiving evidence on affidavits;

requisitioning any public record or copy thereof from any court or 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 persons incurring or authorising the incurring of such expenditure and may charge against any person responsible therefor 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:

Provided 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.

72. Sub-section (7) added by Act 14 of1999, w.e.f. 24-3-1999.

(12) Where an application is made to the court under sub-section (9) 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(10) 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 Municipality concerned within thirty days after the date of service on him of the decision of the auditors unless within that time 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 Municipality as certified by the auditor showing its receipts under each head, 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 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 (13), the said officer shall forthwith consolidate it and submit to the Government.

(17)The Government shall-

(a)cause the accounts of the Municipality 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 Municipality to be published in such manner as may be prescribed.

[73][**296. CONTRIBUTIONTOEXPENDITURE.**— If the expenditure incurred by the Government or by any other Municipality or Panchayat in the State for any purpose authorised by or under this Act such as to benefit the residents of a Municipality, the Municipality may, make a contribution towards such expenditure:

Provided that before incurring such expenditure, the Municipality which is liable, to pay the contribution, shall be consulted and convinced that if the said purpose is served it will benefit the residents of that Municipality.]

297. **POWEROF MUNICIPALITYTOBORROWMONEY.**— (1) The Municipality may in pursuance of any resolution passed at a special meeting of the Council borrow by way of debenture or otherwise on the security of al] or any of the taxes, duties, fees, [74][service charges] and dues authorised by or under this Act, any sums of money which may be required,-

(a)for the construction of works; or

(b)for acquisition of lands and buildings; or

(c)for slum clearance and construction of tenements; or

(d)to pay off any debt due to the Government; or

(e)to repay a loan raised by the Municipality; or

(f) for town improvement Schemes; or

(g)for any public utility Schemes maintained or proposed to be maintained by the Municipality: [73] [74]

73.Section 296 substituted by Act 14 of1999, w.e.f. 24-3-1999.
74. Added by Act 14 of 1999, w.e.f. 24-3-1999.

Provided that —

(1) no loan shall be raised without the previous sanction of the Government or otherwise than in accordance with the provisions of the Kerala Local Authorities Loans Act, 1963 (30 of 1963) and the rules issued thereunder;

(ii) the amount of the loan the rate of interest and the terms including the date of floatation, the time and method or repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1) no portion thereof shall, without the previous sanction of the Government, be applied for any purpose, other than that for which it was borrowed.

298. Time limit of repayment of money borrowed under Section 297.— The time limit for the repayment of any money borrowed under section 297 shall in no case exceed sixty years, and the time limit for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond unexpired portion of the period for which such previous loan was sanctioned.

[75][299. Limitation on borrowing power.— (1) Notwithstanding anything contained in the forgoing provisions the borrowing powers of a Municipality shall be as prescribed, in relation to the total annual receipts of that Municipality.

Provided that nothing contained in this section shall prevent the issuance of Revenue Bonds by the Municipality, secured by pledge of the revenue stream from the project and strengthened on the basis of escrow account or credit enhancement conditions:

Provided further that the short fall in the escrow account would be made good from the grants due from Government intimation by the trustees.]

300. Form and effect of debentures.— All debentures issued under this chapter shall be in such form as the Municipality may, with the previous sanction of the Government, determine, and shall be transferrable in such manner as shall be therein expressed and the right to sue in respect of the money secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

301. Payment to survivors of joint payees.— Where any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything contained in section 45 of the Indian Contract Act 1872 (Central Act 9 of 1872), the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

302. **RECEIPTBYJOINTHOLDERFORINTERESTORDIVIDEND.**— Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such person may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Municipality by any other of such persons.

303. MAINTENANCEANDINVESTMENTOFSINKINGFUNDS.— (1) The Municipality shall maintain sinking funds for the repayment of money borrowed on debentures issued and [76][shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued and in the event of default in payment of quarterly instalments, the grants due from Government shall be remitted to the Sinking Fund.]

75.Section 299 substituted by Act 14 of1999, w.e.f. 24-3-1999.

(2)All moneys paid into the sinking funds shall, as soon as possible, be invested by the Secretary in-

(a)securities of the Central or the State Government; or

(b)securities guaranteed by the Central or the State Government;

and shall be invested in the joint names of the Secretary to the Government of Kerala Finance Department and the Secretary to the Government of Kerala in charge of Municipal Administration to be held by them as trustees for the purpose of repaying at due date the debentures issued by the Municipality. Every such investment shall be reported by the Secretary to the Council within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) Where any part of a sinking fund is applied in paying off any part of a loan before the period fixed for repayment the interest which would otherwise, have been payable on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub section(2), be varied or transposed,

304. APPLICATIONOFSINKINGFUND.— The trustees under sub-section (2) of section 303 may apply a sinking fund or any part thereof in or towards the discharge of the loan or part of a loan for which such fund was created and, until, such loan or part is wholly discharged shall not apply the same for any other purposes:

Provided that when any loan or part there of has been consolidated under section 306, the trustees shall transfer to the sinking funds of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

305. ANNUALSTATEMENTBYTRUSTEES.— (1) The trustees under sub-section (2) of section 303 shall, at the end of every year, submit to the Municipality a statement showing -

(a)the amount which has been invested during the year under section 303;

(b)the date of the last investment made prior to the submission of the statement;

(c)the aggregate amount of the securities then in their hands; and

(d)the aggregate amount which has upto the date of the statement been applied under section 304 in or towards discharging loans.

(2) Every such statement shall be laid before the Council and published.

306. POWEROF MUNICIPALITYTOCONSOLIDATELOANS.— (1) Notwithstanding anything to the contrary contained in this Chapter the Municipality may consolidate all or any of its loans and for the purpose may invite tenders for a new loan (to be called the Municipal consolidated loan 19....) and invite the holders of Municipal debentures to exchange their debentures for scrip of such loan.

(2) The term of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Government. [76]

76. Substituted by Act 14 of 1999, w.e.f 24-3-1999.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the Government, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The Municipality shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 303 having regard to the amount transferred to such sinking fund under section 308.

307.PRIORITYOFPAYMENTFORINTERESTANDREPAYMENTOFLOANSOVEROTHERPAYMENTS.—All payments due from a Municipality as interest on and for repayment of loans shall be made in priority to all other payments due from that Municipality.

308.Recovery of loans and advances made by the Governments.— Notwithstanding anything contained in the Local Authorities Loans Act, 1963 (30 of 1963) for the time being in force, the Government shall be entitled to recover any loan or advance made to any Municipality which is in arrears in accordance with the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968) as if it where an arrear of public revenue due on land or by suit.

309.Bar of withdrawal of sum from Municipal fund.— Where the Government are satisfied that the Secretary makes persistent default in the repayment of any loan borrowed from or advance made by the Government or makes default in the remittance to any fund constituted and administered by or under the Provisions of this Act they may by written order, direct any bank or treasury where the Municipal funds are operated, to make payment to the persons or authorityspecifiedin the order and such order shall be deemed to be a payment order issued by the Secretary. The bank or treasury as the case may be shall make payment to such person or authoritysubject to availability, of funds at the credit of the Municipality and no withdrawal from the Municipal fund of any amount by the Municipality shall be allowed until the amount as required by the Government is paid in full.

CHAPTER XV

REGISTRATION OF PRIVATE HOSPITALS AND PARAMEDICAL INSTITUTIONS

310.DEFINITIONS.— In this Chapter, -

(a)"hospital" means any establishments 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 licenced 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 Government or voluntary organisations for the care and welfare of the aged;

(b)"maternity home" means an establishment where women are usually received and accommodated for the purpose of confinement and anti-natal and post-natal care in connection with child birth or anything connected there with;

(c)"Private hospital" means any hospital other than a hospital belonging to or administrated by the Central Government or State Government;

(d)"private paramedical institution" includes clinical laboratory, X-ray unit, blood bank, scanning centres, [77][nursing schools] etc., under private ownership and also includes training centers relating to the relevent subjects.

311. REGISTRATIONOF PRIVATE HOSPITALSANDPRIVATEPARAMEDICALINSTITUTIONS.— On or after the commencement of this Act, no private hospital and private paramedical institution shall be established within the territorial area of a Municipality without prior registration in that Municipality under section 313.

312. REGISTRATIONOFEXISTINGPRIVATEHOSPITALSANDPRIVATEPARAMEDICALINSTITUTIONS.— In the case of a private hospital or a paramedical institution existing on the date of commencement of this Act in a Municipal area it shall be deemed to have been registered under this Act, if an application for registration has been filed in accordance with
the provisions of section 313,[77A][with the prescribed period]

313.**APPLICATIONANDFEESFOR REGISTRATION.**— Every application for registration of a private hospital or a paramedical institution or for a renewal of a registration shall contain such particulars and shall be accompanied by such fees, as may be prescribed.

314.**PENALTYFORMAINTAININGANDRUNNINGUNREGISTEREDPRIVATEHOSPITALSANDPRIVATE PARAMEDICALINSTITUTIONS.**— Any person maintaining or running an unregistered private hospital or private paramedical institution in contravention of the provisions of this Act shall, on conviction [78][be punished with fine which may extend to five thousand rupees and after making such conviction if maintaining or conducting a Private Hospital or Paramedical Institution in contravention of the provisions of this Act shall be, punished with fine which" may extend to one thousand rupees for each day during which the offence continues.]

[79]**[314A. Collection of fees from Private Hospital and Para Medical institution.—** Subject to the rules made by the Government for this purpose, the Municipality may collect annual fees at the rate fixed by. the Council from any Private Hospitals and Para Medical institutions registered in the Municipality, for any services if any rendered to it by the Municipality.]

CHAPTER XVI

WATER SUPPLY, LIGHTING AND SANITATION

WATER SUPPLY

[80][315. **VESTINGOFEXISTINGWATERSUPPLYANDSEWERAGE, SERVICESUNDERTHEWATER AUTHORITYINTHE MUNICIPALITY.**— (1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law, from the date specified by the Government by notification in the Gazette, in respect of water supply and sewerage for any of the Municipality and situated only within its area and vested in the Water Supply Authority immediately before such date,—

(a) all assets including other equipments, all plants, machineries, water works, pumping station, as the case may be, in, along, over or under any public streets in the area of Municipality, all buildings lands and other works, materials, stores and things appurtenant thereto, all the water supply and sewerage service, sewerage works and sewage forms and all buildings, lands, other works, materials stores, and things, execution of works, conduct of water supply, distribution, fixing water charge, collection etc., shall vest in and stand transferred to the Municipality referred in the notification; and

(b)all the rights, liabilities and obligations of the Water Authority as the case may be, whether arising out of any contract or otherwise relating to the water authority, the right to recover arrears of sewerage charge, water charge, meter rent and of any cost of fees relating to water supply and sewerage services, shall be the rights, liabilities and obligations of the Municipality specified in the notification.

77.Added by Act 14 of 1999, w.e.f. 24-3-1999.

77A.Substituted by Act 8 of 1995.

78.Section 314 substituted by Act 14 of1999, w.e.f. 24-3-1999.

(2) The properties, assets, rights, liabilities and obligations referred to in sub-section (1) shall be valued in such manner as may be fixed by the Government and shall be given to the water authority by the respective Municipality in the manner prescribed.

(3)Where any doubt or dispute arises as to whether any property or asset has vested in the Municipality or any rights, liabilities or obligations have become the rights, liabilities and obligations of the Municipality under this section, such doubt or dispute shall be referred to the Government whose decision thereon shall be final and the Water Authority and the concerned
Municipality are bound to implement it.

(4)The Municipality to which the properties, assets, and service relating to water supply and sewerage construction have been transferred under sub-section (1), necessary staff of the Water Authority as may be required to continue such service shall be conceded to that Municipality as decided by the Government.

(5) On issuing a notification by the Government under sub-section (1), from the date specified in the notification, the Water Authority shall be excluded from all the powers and rights which it had under the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) within the area of the said Municipality and the concerned Municipality shall perform all such powers and rights.

315A. ADMINISTRATIVEPOWEROFTHE MUNICIPALITYWITHREGARDTOTHEEXISTINGWATERSUPPLY ANDSEWERAGESCHEMES— (1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or any other law, the water supply and sewerage schemes useful for the residents in the land area of more than one Local Self Government institutions which cannot be vested or transferred to the Municipality under Section 315, the power with regard to the maintenance and operation of such schemes shall be vested in the committee constituted for this purpose by the Government.

(2)In the committee referred to in sub-section (1),—

(a)Chairpersons of the Municipalities concerned;

(b)Presidents of the Panchayats concerned;

(c)Senior Engineer of the Water Authority of the concerned scheme, who shall be its Secretary and Convenor;

shall be the members and the Chairperson or the President of the Local Self Government Institution to which the concerned scheme is more useful, shall be the chairman of the committee.

(3)The water authority shall provide the fund and the service of staff required to perform the powers and functions of the committee.

315B. POWEROF MUNICIPALITIESTOPREPAREANDIMPLEMENTSCHEMESWITHREGARDTOWATER SUPPLYANDSEWERAGE.— (1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law, each Municipality have the power and right to prepare and implement the water supply scheme or the sewerage scheme with in its Municipal area.

(2)The Municipality which prepare and implement the water supply scheme and drainage scheme under sub-section (1) may realise water charge and service charge for sewerage from the beneficiaries in the manner as prescribed.!.

79.Section 314A inserted by Act 14 of1999, w.e.f. 24-3-1999.

80..Section 315 substituted by Sections 315, 315A & MSB by Act 14 of1999, w.e.f. 24-3-1999

LIGHTING

81 [316. **PROVISIONFORLIGHTINGPUBLICSTREETS.**— (1) Municipality shall cause the public streets in its land area to be lighted and for that purpose shall provide such lamps and works as it deem necessary.

(2)For the purpose of sub-section (1), the Kerala State Electricity Board shall provide the required electrical energy and technical assistance to the Municipality, at the rates fixed by Government and on other conditions, as prescribed.

(3) Notwithstanding anything contained in sub-section (1), the Government shall, in consultation with the Municipality, provide any public street with a lighting system through an approved agency.

(4) Notwithstanding anything contained in this section, two or more Local Self Government institutions, may with the sanction of and on such terms as may be approved by the Government, provide and maintain any street lighting system jointly.]

82[316A. **PROVISIONFORSUPPLYFORELECTRICITYTOTHECONSUMERS.**— Any Municipality may, with the prior sanction of the Government and, subject to other conditions as may be prescribed, enter into a contract With Kerala State Electricity Board, for the bulk purchase of the electricity for the supply of electricity in its land area.]

GENERAL POWERS

317. Power to carry wire, pipes, drains etc., through private property.— The Secretary may, for the purpose of implementation of any scheme for water supply or drainage entrusted to a Municipality or for its maintenance or for the establishment or maintenance of any lighting of public streets carry any cable, wire, pipe, drain or channel of any kind through, across, under, or over any road, street or place laid out for road or street and after giving fifteen days notice in writing to the owner or occupier, through, across, under, over or up the side of, any land or building in the Municipality, and may place and maintain posts, poles standards, brackets or other contrivances to support wires and lights on any pole or post in the Municipality not owned by the State or the Central Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe ,drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the Secretary shall, with the sanction of the Council, pay compensation to any person who sustains damage by the exercise of such power.

318. Prohibition of making connection with mains without permission.—

(1) No person shall, without the permission of the Secretary make any connection with any municipal cable, wire,pipe,[83] [any underground drain under the control of the Municipality] or with the house connection of any other person.

(2)The Secretary may, by notice, require any connection made in contravention of sub-section(l) to be demolished, removed, closed, altered or remade.

[84][(3) Where any person fails to comply with the demand in the notice issued under sub-section (2) within the period specified in the notice, the Secretary shall have the power to demolish, remove, close, alter or, remake such connection and the cost incurred thereof shall be recovered from that person.] [81] [82]

81. Section 316 substituted by Act 14 of 1999, w.e.f. 24-3-1999.

82.Section 316A inserted by Act 14 of 1099, w.e.f. 24-3-1999.

319. Power to require level of culverts, cable, etc., to be raised or lowered.— Where a Municipality conducts any pipe or drain or other work connected with the water supply or drainage of that Municipality across a culvert, cable or drain, it may, [85][at the cost of the Municipal Fund], require the owners of the same to raise or lower the level thereof.

PUBLIC LATRINES

320. Provision of public latrines.— A Municipality shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order.

321.Licensing of public latrines.— (1) The Secretary may issue licence, [86][for the period as fixed by the Council], for providing and maintaining latrines for public use.

(2)No person shall keep a public latrine without a licence under sub-section(l).

(3)Every licensee of a public latrine shall maintain it clean and in proper order.

PRIVATE LATRINES

322. PROVISIONOFLATRINESBYOWNEROROCCUPIER,— (1) The Secretary may, by notice, require the owner or occupier of any building, within the time specified in such notice, to provide a latrine or alter or remove from an unsuitable 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 about or occupying such building and to keep it clean and in proper order.

[87][(2) Where a group of building or huts situated in a land and where individual latrine for each household is not feasible, the Secretary may, by notice, require the owner or occupier of such land to provide latrines of such description and number and in such position and within such time as may be fixed in the notice.]

(3) Where the work under sub-section (I) or sub-section (2) is not carried out within the time specified in the notice, the Secretary may, if he thinks fit, cause such works to be executed and recover the expenses incurred therefor from the owner or occupier in default.

323.PROVISIONOFLATRINESFORLABOURERS.— Every person employing workmen, labourers or other persons exceeding nine in number, shall provide and maintain for the separate use of persons of each sex so employed, latrines of such description and number and in such position as the Secretary may, by notice, require within such time as may be fixed in the notice.

324.Provision of latrines for markets, cart stands, cattle sheds, choultry etc.—
The Secretary may, by notice require the owner or manager of a market, cartstand, cattleshed, choultry, theatre, railway station, dock, wharf or other place of public resort to provide and maintain within the time specified in such notice for the separate use of persons of each sex latrines of such description and number and in such position as may be specified in such notice.

88[325. **LATRINESTOAFFORDPRIVACY.**— All latrine shall be so constructed as to afford privacy to its user and to screen the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.]

326. Municipality to arrange for the removal of rubbish, solid wastes and filth.— (1) Every Municipality shall make adequate arrangements for;- 83 84 85 86

83. Substituted for "drain or channel" by Act 14 of1999, w.e.f. 24-3-1999.

84.Sub-section (3) added by Act 14 of1999, w.e.f. 24-3-1999.
85.Substituted for the words by Act 14 of1999, w.e.f. 24-3-1999.
86.Substituted for the words by Act 14 of1999, w.e.f. 24-3-1999.
87.Sub-section (2) substituted by Act 14 of1999, w.e.f. 24-3-1999.

(a)the regular sweeping and cleansing of the streets and removal of sweepings therefrom;

(b)the daily removal of the fifth and the carcasses of animals from private premises;

(c)the removal of solid wastes; and

(d) 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 fifth, rubbish and the carcasses of animals;

(ii)covered vehicles or vessels for the removal of fifth;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish; and

(iv)dustbins, receptacles and places for the temporary deposit of domestic waste, dust, ashes, refuse, rubbish, offensive matter, trade refuse, institutional refuse, carcasses of dead animals.

(2)The Secretary shall make adequate provision for preventing the depots, place, receptacles, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

89[(3) A Municipality may make arrangement on contract basis, in whole or in part for the collection and disposal of sold waste from public or private premises.]

327.DUTYOFOWNERSANDOCCUPIERSFORSTORAGEANDDEPOSITOFRUBBISHANDSOLIDWASTE.—(1) It shall be incumbent on the owners of all premises to provide receptacle of a size
to be specified by the Secretary for the purpose of storage of domestic waste, trade waste, institutional waste, dust ashes, refuse and rubbish 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 place as the Secretary may, from time to time, by written notice, direct.

90[(2A) The Secretary may, by public notice, direct the owners or occupiers of any premises to segregate the waste, for easy collection and disposal of such waste by the employees and contractors engaged by the Municipality.]

(3) It shall be incumbent on the owners and occupiers of all premises to cause all domestic waste, trade waste, institutional waste, dust, ashes, refuse, rubbish to be 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 Municipality for the purpose.

328.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 may seem suitable to the Secretary and on payments of fees at such rates as the Municipality determines from time to time.

88.Section 325 substituted by Act 14 of1999, w.e.f. 24-3-1999.
89.Sub-section (3) added by Act 14 of1999, w.e.f. 24-3-1999.

329.Introduction of house to house collection of rubbish,— (1) The Secretary may, with the sanction of the Council, introduce in the Municipal area or part thereof 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 Municipality 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 Municipality or by the contractor who may be engaged by the Municipality for this purpose.

(2) No person shall place or cause to be placed 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(l),

330. RUBBISHANDOTHERSOLIDWASTETOBETHEPROPERTYOFTHE MUNICIPALITY.— All the rubbish and solid waste collected by the employees or contractors of the Municipality and the carcasses of dead animals deposited in any public receptacles, depot or place '[shall be the property of the Municipality and they may dispose of the same by auction or otherwise.]

331. PROVISIONFORFINALDISPOSALOFSOLIDWASTE.— (1} Every Municipality shall indentify and notify suitable lands within or without the municipal area for the purpose of final disposal of waste.

(2)While notifying the land under sub-section(l), health and environmental aspects shall be taken into consideration by the Municipality.

(3)Every Municipality 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 possibleor practicable, sanitary landfill methods shall be adopted by the Municipality for the disposal of waste at the landfill sites in the manner as may be specified by the Council.

(5) Incineration of waste may be resorted to by the Municipality for the disposal of infectious waste generated from the hospitals, nursing homesor health care centres and the non-industrial hazardous waste as specified by the Council from time to time.

332. PROVISIONFORPROCESSINGOFSOLIDWASTES.— The Municipality 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 without the Municipal area and run it on a commercial basis or may contract out such activity.

333. CONTRIBUTIONSFROMPERSONSHAVINGCONTROLOVERPLACESOFPILGRIMAGEETC.—Where a church, mosque, temple , mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within a municipal area or the neighbourhood thereof and attracts, either throughout the year or on particular occasions a large number of persons, requiring special arrangements necessary for public health, safety or convenience, whether permanent or temporary, by the Municipality, the Municipality may require the trustee or other person having control over such place to make such recurring or nonrecurring contributions to the funds of that Municipality as determined by Government.

334. *Sub-seclion (2A) added by Act 14 of1999, w.e.f. 24-3-1999.*

335. REMOVALOFSOLIDWASTE, RUBBISHANDSOLIDWASTEACCUMULATEDONNONRESIDENTIAL PREMISES.— (1) The Secretary may, if he thinks fit, by notice in writing , require the owner or the occupier of any premises used as-

336. a factory, workshop or a place for carrying on any manufacturing process, or

337. a market or trade premises, or

338. a slaughter house, or

339. a hotel, eating house, or restaurant, or

340. a hospital or a nursing home, or

341. a warehouse or godown, or

342. a place to which large number of persons resort, 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 accumulating 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.

[2][Provided that if such solid waste cannot be removed to a place or to a depot, as is required by the Secretary on reasons removed to health the Secretary may, by notice require such owner or occupier, to dispose of such things by themselves within the time as specified in the notice and if such person make default in such disposal, he shall on conviction be punished with a fine extending upto ten thousand rupees and after such conviction if reluctant to comply with that direction he may be punished with a further fine at the rate of one hundred rupees for each day during which the offence is continued.]

(2)Where the owner or occupier fails to carry out the instructions under sub-section(1), the Secretary may, after giving a notice, cause all rubbish including building rubbish, offensive matter, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matter accumulated in such premises to be removed and charge the said owner or occupier the cost for such removal at such rate as determined by the Council which and specified in the notice issued under this sub-section for such removal:

Provided that such cost shall not be at a rate less than the unit cost for the removal of such solid wastes (including the cost for servicing, depreciation and other charges, if any, for vehicles or vessels or means for removal) as the Council may determine from time to time.

GENERAL PROVISIONS

343.Prohibition of improper disposal of carcasses, rubbish and filth.— (1) No person shall, after due provision has been made under section 326 by the Municipality for the deposit and removal of rubbish, solid waste, carcasses or filth deposit the same,-

(a)in any street or on the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place, or on the bank of a water course 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-section(l) no person shall deposit or cause or permit to be deposited any building rubbish on or along any street, public orprivate land without the previous permission of the Municipality:

2. *Proviso added by Act of 1999, w.e.f. 24-3-1999.*

Provided that no permission shall be granted until a fee as may be determined by the Council is paid:

Provided further that the Secretary may, for reasons to be recorded in writing, refuse to give such permission.

344. PROHIBITIONOFKEEPINGFILTHONPREMISES.— 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 out building or any place belonging thereto, or fail to comply with any requisition of the Secretary as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

345.PROHIBITIONOFALLOWINGOUTFLOWOFFILTH.— 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 in such a manner 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.

346. PROHIBITIONOFDISPOSALOFSKIN.— No person shall deposit the skin or otherwise dispose of the carcass of any dead animal at a place not provided for the purpose.

347. PROHIBITIONOFUSINGANYCARTWITHOUTCOVERINTHEREMOVALOFFILTHETC.— No person shall, in 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 therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel, closed or open.

348. PROHIBITIONOFTHROWINGRUBBISHORFILTHINTOPUBLICPLACES.— [2A][(1)] No person shall put or cause to be put any rubbish or filth or debris into any public place not intended for deposit of rubbish or filth or debris.

[2A][(2) Notwithstanding anything contained in this Act, the Secretary or an Officer specifically authorised for the purpose shall, on being satisfied that any person deposits or causes to deposit any rubbish, or filth or other debris in any public place not intended for the same, impose on the person so depositing or causing such deposit, a fine, on the spot, which may not exceed two hundred and fifty rupees and the fine so imposed shall be paid to the municipal fund within fifteen days and the Secretary shall initiate prosecution against the person if he fails to do so]

349.Prohibition of commission nuisance in public streets etc.— No person shall commit a nuisance by relieving himself in any street, public place or thoroughfare or permit any person under his control to do so.

350.PRESUMPTIONAS TO OFFENDER.— Where any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulation 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 the occupier of such premises.

351. THEEMPLOYEESOFTHE MUNICIPALITYENGAGEDINRUBBISHANDSOLIDWASTEMANAGEMENT SERVICEPROHIBITEDFROMDEPOSITINGWASTEATAPLACEOTHERTHANSPECIFIEDETC.— No employee of the Municipality engaged in rubbish and solid waste management service shall throw or place any domestic waste, dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter on any street or in any place not provided for the purpose or placeor keep in any street anyvehicle or carriage for the removal of solid waste, excrementitious orpolluted matter, or suffer the same to remain inany street for any greater length of time than is reasonably necessary.

352. POWERTOINSPECTPREMISESFORSANITARYPURPOSES.— The Secretary or any officer authorised by him may, at any time , inspect any premises for the purpose of ascertaining compliance with the provisions of this Act.

353.PUNISHMENTFORDEPOSITINGORTHROWINGANYRUBBISHORSOLIDWASTEINCONTRAVENTION OFTHEPROVISIONSOFTHIS ACT.— Whosoever deposits or throws any rubbish, solid waste, filth or carcasses in contravention of the provisions in this Chapter shall on conviction be punishable with fine which shall not be less than fifty rupees but may extend to two hundred and fifty rupees.

CHAPTER XVII

STREETS

PUBLIC STREETS

346. MAINTENANCEANDREPAIROFSTREETS.— (1) A Municipality shall, at the cost of the municipal fund, cause the public streets and bridges vested in and under the control of that Municipality to be maintained and repaired and may, from the same fund; meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience.

(2) A Municipality may entrust to any other Municipality or Panchayat with their consent the maintenance of such public street or portion thereof the cost of maintenance being provided by that Municipality.

347.Power of Municipal authorities.— (1) The Municipality may,-

(a)lay out and make new Public streets;

(b)construct bridges and sub-ways;

(c)turn, divert or with the special sanction of the Government permanently close any public street or part thereof; and

(d)widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to owners or occupiers, as the case may be of any land or buildings which are required for or affected by any such purposes.

348.POWERTODISPOSEOFPERMANENTLYCLOSEDSTREETS.— (1) Where a public street is permanently closed under section 347, the Municipality may, with the sanction of the Government, dispose of the site or so much thereof as is no longer required, in such manner as may be approved by the Government, provided that due compensation shall be paid to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public streets at or about the same time that the public street on account of which the compensation is paid, is closed.

349.Acquisition of land and buildings for improvement of streets.— (1) A Municipality may acquire,-

2A. Section 340 renumbered as sub-section (1) of thai section and added sub-section (2) by Act 8 of 1995, w.cf 5-8-1995.

(a) Any land required for the purpose of opening, widening , extending or otherwise improving any public street or of making any new public street and the buildings if any, standing up on such land; and

(b)Any land outside the proposed street alignment, with the buildings, if any, standing thereupon:

Provided that, in any case in which it is decided to acquire any land under clause (b) the owner of such land may retain it by paying to the Municipality an annual sum to be fixed by the Municipality in that behalf or a lumpsum to be fixed by it, not being less than twentyfive times, of such annual sum and subject to such conditions as the Municipality thinks fit as to the removal of the existing building, if any, the description of the new building , if any, to be erected , the period within which, the new building, if any, shall be completed and any other similar matters.

(2)Where any sum payable in persuance of the proviso to sub-section(l) in respect of any land is not duly paid,the same shall be recoverable in the manner provided in this Act for thecollection of property tax, and, if not so recovered , the Secretary may enter upon th land, and sell it with anyerections standing thereon, by public auction subject to the conditions, e if any, imposed upon under sub-section(l) and may deduct the said sum and the expenses of the sale from the proceeds of the sale and shall pay the balance if any, to the defaulter.

(3) Any sum paid in pursuance of the proviso to clause (b) of sub-section (1) or recovered under sub-section(2) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing to the property tax.

(4)Any land or building acquired under clause(b) of sub-section (1) may be sold, leased or otherwise disposed of after public advertisement, and any deed of conveyance made for
that purpose may comprise such conditions as the Municipality thinks fit as to the removal of the existing building, if any, the description of the new building, if any, to be erected, the period within which, the new building, if any, shall be completed and any other similar matters.

(5)The Municipality may require any person to whom any land or building is transferred under sub-section(4) to comply with the condition, if any, comprised in the deed of conveyance in respect of the said transfer.

350. POWERTOPRESCRIBEBUILDINGLINEANDSTREETALIGNMENT.— The Municipality may-fa) define for any public street a buiding line or street alignment or both; and

(b) from time to time define a fresh line in substitution for any line so defined or for any part thereof:

Provided that in either case-

(1)At least one month before the meeting of the Council at which the matter is decided, public notice of the proposal has been given and special notice thereof, has also been put up in the street or part of the street for which such line is proposed to be defined; and

(2)The Council shall consider all objections to the said proposal made in writing and delivered at the office of the Municipality not less than three clear days before the day of such meeting.

351.**Building not to be constructed within street alignment or building line.— (1)** No person shall construct any building or portion thereof within a street alignment defined under section 3 50.

(2)No person shall erect or add to any building between street alignment and building line defined under section 350 except with the permission of the Secretary who may, when granting permission, impose such conditions as the Council lays down for such cases.

352. **SETTINGBACKPROJECTINGBUILDINGSORWALLS.**— (1) Where any building or part thereof abutting on a public street is within a street alignment defined under section 350, the Secretary may, whoever, it is proposed-

(a)to rebuild such building or take it down to an extent exceeding one half thereof above the ground level, such half to be measured in cubic metre; or

(b)to remove, reconstruct or make any addition to any portion of such building, which is within a street alignment;

in any order which is issued concerning the rebuilding, alteration or repair of such building, require such building to set back to be the street alignment.

(2)Where any building or any part thereof within a street alignment falls down or is burnt down or is, whether by order of the Secretary or otherwise, taken down, or where any private land without any building thereon lies within a street alignment, the Municipality may acquire under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the portion of land within the street alignment and if necessary, clear it.

(3)Land acquired under this section shall be deemed to be a part off the public street and shall vest in the Municipality. [4]

(4) Where any building is set back in pursuance of any requisition made under sub section (1), the Municipality shall forthwith make full compensation to the owner for any direct damage which be may sustain thereby.

Explanation.—The expression "direct damage' as used in sub-section(4) with reference to lands means the market value of the land acquired and the depreciation, if any, in the ordinary market value of rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

353.**Setting buildings forward to improve line of street.— The Municipality may, up** on such terms as it thinks fit, permit any building to be set forward for the purpose of improving the line of a public street and may, by notice, require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.— For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimension as approved by the Secretary is erected along the said line.

354.PROJECTEDSTREET.— (1) A Municipality may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable .

(2) The width of the proposed streets shall not ordinarily be less than thirteen metres, or, in any area covered by huts, seven metres.

(3)It shall be the duty of a Municipality to layout public streets in areas covered by huts, so far as may be practicable both for the purpose of securing proper ventilation for huts in such areas, and in view of the contingency of buildings being erected therein.

(4)Where any plan has been prepared under sub-section(l), the street to which it refers shall be deemed to be a projected public street, and provisions of section 352 shall apply to all buildings, so far as they stand across the street alignment or building line of the
projected street.

355. WATERINGOFSTREETS.— A Municipality shall, so far as it considers it necessary for public convenience, and so far as funds permit, cause the important public streets [3] [4] [5][to be watered] as it thinks necessary.

356. TEMPORARYCLOSUREOFSTREETS.— The Secretary may, by an order in writing, temporarily close any street to traffic for repair or in order to carry our any work connected with drainage, water supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and the street reopened to traffic with all reasonable speed.

357. PROTECTIONOFAPPURTENANCESANDMATERIALSOFSTREET.— No person shall without the permission in writing of the Secretary, displace, take up or make any alteration in the fences, posts, pavements, flages, or other materials of any public street.

358.Power of Municipality to recover expenses caused by extraordinary traffic.—
Whereby a certificate of [4][Municipal Engineer! it appears to Municipality that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the Municipality in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, the Municipality may, frequire by notice, any person by whose direction such weight or traffic has been caused, to pay to the Municipality the amount of such expenses incurred by it]

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the Municipality for the payment to it of a compensation in respect of such weight or traffic and thereupon the person so paying shall not be subject to any proceeding under this section.

3. *Substituted for the words by Act 14 of1999, w.e.f. 24-3-1999.*
4. *Substituted for the by Act 14 of1999, w.e.f. 24-3-1999.*
5. *Substituted for the words by Act 14 of1999, w.e.f. 24-3-1999.*

PRIVATE STREETS

359. Owner's obligation to make street when disposing of land as building sites.— Where an owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of building, he shall, save in such cases as the site or sites may abut on an existing public or private street, laydown and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

360. Making new private street.— (I) Any person intending to make or layout a new private street shall send to the office of the Municipality a written application with plans and sections showing the following particulars namely-

(a)The intended level, direction and width of the street;

(b)the street alignment and the building line; and

(c)the arrangements to be made for levelling, paving, metalling , flagging, channelling, sewering, draining, conserving and lighting the streets.

(2)The provisions of this Act and of any rules or bye-lawsmade thereunder as to the level and width of public streets and theheight of building abutting thereon shall apply also in the case of street referred in sub-section (1), and all the particulars referred to in that sub section shall be subject to approval by the Municipality.

(3)Within sixty days after the receipt of any application under sub-section (1), the Municipality shall either sanction the making of the street on such conditions as it may think fit, or disallow it, or ask for further information with respect to it.

(4)Sanction under sub-section(3) may be refused-

(i)if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Municipality likely to be made, for carrying out any general scheme for the laying out of streets;

(ii)if the proposed street does not conform to the provisions of the act, rules and bye-laws referred to in sub-section(2); or

(iii)if the proposed street is not designed so as to connect at one end with a street which is already open.

(5)No person shall make or layout any new private street without or otherwise than in conformity with the orders of the Municipality. If further information is asked for, no steps shall be taken to make or layout the street until orders have been passed upon receipt of such information:

Provided that the passing of such order shall not in any case be delayed for more than sixty days after the Municipality has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed with in the period of one hundred and twenty days from the date of receipt in the office of the Municipality shall be deemed to have been sanctioned.

361.Alteration or demolition of street made in breach of section 360.— (1) Where any person, makes or lays out any street referred lo in section 360 without or otherwise than in conformity with the orders of the Municipality, the Secretary may, whether or not the offender be prosecuted under this Act. by notice;-

(a) require the offender to show cause, by a written statement signed by him and send to the Secretary on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Secretary, or if such alteration be impracticable, why such street should not be demolished; or

(b) require the offender to appear before the Secretary either personally or by a *duly* authorised agent on such day and at such lime and place as may be specified in the notice, and show cause as aforesaid.

(2) Where any person on whom a notice under sub-section (1) is served fails to show sufficient cause to the satisfaction of the Secretary why such street should not be so altered or demolished, the Secretary may pass an order directing the alteration or demolition of such street.

362.POWEROF SECRETARYTOORDERWORKTOBECARRIEDOUTORTOCARRYITOUT HIMSELFINDEFAULT.— (1) Where any private street or part thereof is not levelled, paved, metalled, flagged,

channelled, drained, conserved or lighted to the satisfaction of the Secretary, he may, by notice, require the owners or occupiers of building, or lands fronting or abutting on such street or pan thereof to curry out any work, which in his opinion may be necessary and within such time as may be specified in such notice.

(2) Where such work is not carried out within the time specified in the notice, the Secretary may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands in such proportion as may be settled by the Secretary.

363.RIGHTOFOWNERSTOREQUIRESTREETTOBEDECLAREDPUBLIC.— Where any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of section 362 such street shall, on the requisition of the majority of the owners thereof, be declared a public street.

ENCROACHMENT ON STREETS

364. PROHIBITIONOFOBSTRUCTIONINOROVERSTREETS.— No person shall build any wall or erect any fence or other obstruction, or projection, or make any encroachment in or over any street.

365.**PUBLICSTREETSOPENTOALL.**— All streets vested in or maintained by a Municipality shall be open to all members of the public.

366.**PROHIBITIONANDREGULATIONOFDOORS, GROUNDFLOORWINDOWSANDBARSOPENING OUTWARDS.**— (I) No door, gate, bar or ground floor window shall, without a licence from the Municipality be hung or placed so as to open outwards upon any street.

(2) The Secretary may, by notice, require the owner of such door, gate, bar, or window to alter it so that no part thereof, when open, shall project over the street.

367. **REMOVALOFENCROACHMENTS.**— (1) The Secretary may, by notice, require the owner or occupier of any premises to remove or alter any projection. Encroachment or obstruction other than a door, gate, bar or ground floor window situated against or in front of such premises and in or over any street.

(2) Where the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or may with the permission or licence of any authority duly empowered in that behalf, and that the period, if any, for which the permission or licence, is valid has not expired, the Municipality shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

(3)Where the Secretary is satisfied that any road or public street including footpath, if any, thereof belonging to the Municipality or vested in it or otherwise is encroached upon by any person in any form, either temporarily or permanently so as to cause obstruction or hindrance or inconvenience to traffic and users of the street, the Secretary may summarily evict such encroachments and may seize and dispose of any belonging or article that may be found on such road or street and no person shall be entitled to claim compensation for any action taken by the Secretary in this behalf.

[6]**[368. POWERTOALLOWCERTAINWORKS.**— (I) The Municipality may grant a licence, subject to such conditions and restrictions as it may think fit, to the owner or occupier of any premises to cover drains necessary for access to the premises.]

(2)A Municipality, may grant a licence, subject to such conditions and restrictions as it may think fit, for the temporary erection of pandals and other structures in a public street vested in the Municipality or in any other public place the control of which is vested in the Municipality.

(3)A Municipality shall have power to lease roadsides and street margins vested in it for occupations on such terms and conditions and for such period as it may fix.

(4)No licence under sub-section (1) or a lease under sub-section (3) shall be granted if the [6 7][x x J, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5)The Government may, by notification, restrict and impose such control in, as they may think fit, the exercise by Municipalities in general or by any Municipality in particular, of the powers under cub-sections (1) and (3).

(6)On the expiry of any period for which a licence has been granted under this section, the Secretary, may, without notice, cause any [8]fconstructionJ put up under sub-section (I) or sub-section(2) to be removed, and the cost thereof shall be recovered in the manner provided in section 538 from the person to whom the licence was granted.

(7)**PROHIBITIONOFSTRUCTURESORFIXTURESWHICHCAUSEOBSTRUCTIONINPUBLICSTREETS.**— No person shall except with the written permission of a Municipality erect or set up within a municipal area any wall, fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, well or tank in any street so as to form an obstruction, or an encroachment upon or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(8)**Prohibition of deposits etc., of things on public street.— Without permission of the Secretary,-**

(9)no person shall place or deposit upon any public street or upon any open channel, drain, or well in any street or in any public place within a municipal area, any stall, chair, bench, box, ladder, bale or other things so as to form an obstruction or encroachment thereto;

(10) no workshops doing repair work of motor vehicles or motor vehicle parts shall do any repair work or for doing repair work or after doing repair work, park upon public streets near their premises.

6. Marginal /leading and sub-section (J) substituted by Act 14 of J999, w.e.f. 24-

7. The words "projection" omitted by Act 14 of J999, w.e.f. 24-3-1999.

8. Substituted for "projection or construction" by Act 14 of 1999, w.e.f. 24-3-

371. LICENCEFORSALEINPUBLICPLACE.— No person shall hawk or expose for sale in any public place or in any public street within a municipal area any article what so ever whether it be for human consumption or not except under a licence granted by the Municipality in this behalf.

372.SECRETARYMAYWITHOUTNOTICEREMOVEENCROACHMENT.— Notwithstanding anything contained in this Act, the Secretary may, without notice, cause to be removed-

(a)Any wall, fence, rail, step, booth, or other strueture or fixture which is erected or set up in contravention of the provisions of section 369;

(b)Any stall, chair, bench, box, ladder, bale, or any other thing whatsoever, placed or deposited in contravention of section 370;

(c)Any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of section 371 and any vehicle, package, box, board, shelf or any other thing in or on which such article placed or kept for the purpose of sale.

373. PRECAUTIONSDURINGREPAIROFSTREETS.— (I) The Secretary shall, during the construction or repair of any street, drain or premises vested in the Municipality-

(a)cause the same to be fenced and guarded;

(b)take proper precautions against accident by shoring up and protecting the adjoining buildings; and

(c)cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary to prevent the passage of vehicles and avert danger.

(2)The Secretary shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The Secretary shall, with all reasonable speed, cause to complete the said work, fill in the ground and repair the said drain, street or premises and remove the rubbish occasioned thereby.

374.PROHIBITIONOFREMOVALOFBARSANDLIGHTS.— No person shall, without lawful authority, remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 373.

375.PROHIBITIONOFMAKINGHOLESANDCAUSINGOBSTRUCTION.— (1) No person shall make a hole or cause any obstruction in any street, unless he previously obtains the permission of the Secretary and complies with such conditions as he may impose.

(2) Where such permission is granted, such person shall, at his own expense, cause such whole or obstruction to be sufficiently fenced and enclosed until the whole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

376.OCCUPATIONOFPORAMBOKEWITHOUTLICENCE.— (1) Where any person without the previous sanction of a Municipality occupies any land belonging ro it or vested in it or under its control, he shall, from time to time, pay in respect of such occupation such sums by way of penalty as may be demanded by the Municipality, subject to such limits as may be prescribed:

Provided that before demanding any sum under this sub-section the Municipality shall give such person an opportunity to show cause against such demand.

(2) Where any person makes default in the payment of any such amount the Magistrate having jurisdiction over the Municipal area may, on application by the Secretary, recover the same in the same manner as if it were a fine imposed by the Court.

(3)(a) Any person unauthorisedly occupying any land for which he is bound to pay a penalty under sub-section(l) in respect of such occupation, may be summarily evicted by the Secretary and any crops or other product raised on the land shall be liable to forfeiture and any building or structure erected or anything deposited thereon, shall also, if not removed by him after such written notice as the Secretary may deem reasonable, be liable to forfeiture and any property so forfeited shall be disposed of by the Secretary in accordance with such procedure as the Council may direct.

(b) Any eviction under this sub-section shall be by serving a notice on a person reputed, to be in occupation or his agent, requiring him, within such time as the Secretary may deem reasonable after receipt of the said notice, to vacate the land and if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same and if the officer removing any such person shall be

resisted or obstructed by any person, the Secretary may report the fact to the collector and thereupon the Collector shall hold a summary enquiry into the case and if satisfied that the resistance or obstruction still continues, may issue a warrant for the arrest of the said person and, on his appearance may send him, with a warrant, in such form as may be prescribed, for imprisonment in the civil jail for such period, not exceeding thirty days as may be necessary to prevent the continuance of such obstruction or resistance:

Provided that no person so committed for imprisonment under this section shall be liable to be prosecuted under sections 183, 186 and 188 of the Indian Penal Code, 1860 (Central Act 45 of 3860) in respect of the same facts.

377.LICENCEFORWORKONBUILDINGSLIKELYTOCAUSEOBSTRUCTIONS.— Where any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the Municipality in that behalf and shall also-

(a)cause the said building to be fenced and guarded;

(b)sufficiently light it during the night; and

(c)take proper precaution against accidents during such time as the public safety or convenience requires.

378.CLEARINGOFDEBRISOFFALLENTREESETC. BYOCCUPIERS.— Where any obstruction is caused in any street by the fall of trees, structures or fences the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall or within such further period as the Secretary may, by notice allow, clear the street of such obstruction.

NAMING OF STREETS

379.NAMINGOF PUBLIC STREETS.—"[(1) The Municipality shall give names to the public street vested in and maintained by it and may alter the name of such public street:

Provided that before such naming or renaming, the opinion of the Ward Committees or Ward Sabhas concerned shall be taken into consideration.]

(2) The Secretary shall cause to be put up or painted in English and in the language of the locality on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

(3)No person shall, without lawful authority, destroy, pull down or deface any such name or put up any name different from that put up by order of the Secretary.

NUMBERS OK BUILDINGS

380.NUMBERINGOFBUILDINGS.— (1) The Secretary shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

9. Sub-section (1) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

(3) Where a number has been affixed under sub-section! 1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced and if he fails to do so, the Secretary may by notice require him to replace it.

CHAPTER XVIII

BUILDINGS

GKNERAX POWERS 381.

381. BUILDINGRULES.— (1) The Government may make rules -

(a) for the regulation or restriction of the use of sites for building; and

(b) for the regulation or restriction of building construction.

(2) Without prejudice to the generality of the powers conferred by clause (a) of sub-section! 1), rules made under that clause may provide that -

(a) no insanitary or dangerous site shall be used for building construction; and

(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 of persons.

(3) With out 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 together with applications for permission to construct a building;

(b) height of buildings, whether absolute or relative to the width of streets;

(c) level and width of foundation level of lowest floor, and stability of structure;

(d) number and height of storeys composing a building and height of rooms;

(e) provision of sufficient open space external or internal and adequate means of ventilation;

(f) provision of means of egress in case of fire;

(g) provision of secondary means of access for the removal filth;

(h) materials and methods of construction of external and partition walls, roofs and floors;

(i) position, materials and methods of construction of hearths, smoke escapes, chimneys, staircases, latrines, drains, cesspools ;

(j) paving of yards;

(k) restrictions on the use of inflammable materials in the building; and

(l) in the case of wells, the dimensions of the well in the manner of enclosing it, and if the well is intended for drinking purposes the means which shall be used to prevent pollution of water.

382.BUILDINGSITEANDCONSTRUCTIONORRECONSTRUCTIONOFBUILDINGS.— No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed 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.

10 [X X X X]

10.The proviso omitted by Act 14 of1999, w.e.f. 24-3-1999.

383.Power of Municipality to regulate further construction of certain classes of buildings in particular streets or localities.— (1) A Municipality may give public notice of its intention to declare-

(a) that in any street or portions of streets specified in the notice,-(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 Municipality may consider suitable to the locality; or

(b)that in any locality specified in the notice, the construction of only detached buildings shall be allowed; or

(c)that in any street, portion of streets 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 uses shall not be allowed without the special permission of the Municipality.

(2)No objection to any such declaration shall be received after a period of three months from the publication of such notice.

(3)The Municipality 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 Secietary shall publish the declaration which shall take effect from the date of 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.

n[383A. **PROHIBITIONOFCONSTRUCTIONSABUTTINGTHEPUBLICROADS.**— Notwithstanding anything contained in this Act, no person shall construct any building or structure other than a compound wall in any land abutting any National Highway, State Highway, District Road or any other roads notified by the Municipality within a distance of three metres from the road boundary of his land abutting the road:

11A[Provided that the said limit of three metres shall not be applicable for the construction, subject to the Building Rules, of first floor or second floor or of both upon a building, existing on the date of coming into force of this Act:

Provided further that, any path, bridge or similar constructions used solely for entering into any building or weather shade or sun shade forming part of the building may, subject to the Building Rules, be constructed within the said three metre limit:

Provided also that when the part of the existing building is demolished for the implementation of any town planning scheme, it shall be in such a way as not to adversely affect the remaining portion of the building or the new addition made and the complete responsibility regarding the safety and stability of it shall be on the owner of the building and when he makes such demolition it shall be performed at his own cost and responsibility and he shall not be eligible for any compensation for the said construction and he shall submit a consent letter for this purpose alongwith the application).

384. BUILDINGSATCORNEROFSTREETS.— A Municipality may require any building intended to be erected at the corner of two streets to be rounded of or splayed of to 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 1894), such portion of the site at the corner as it may consider necessary for public convenience or amenity.

385. PROHIBITION USE OF INFLAMMABLE MATERIALS FOR BUILDING CONSTRUCTION WITHOUT PERMISSION.— No external roof, verandah, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials except with the permission of the Municipality.

386. PROHIBITION OF CONSTRUCTION OF DOORS, GROUND FLOOR WINDOWS AND BARS SO AS TO OPEN OUTWARDS.— No door, gate, bar or ground floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with a licence under section 366.

BUILDING OTHER THAN HUTS

387. **APPLICATION TO CONSTRUCT OR RECONSTRUCT BUILDING.**— (1) Where any person intends to construct or reconstruct a building other than a hut within a municipal 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)an 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 or fence of whatever height bounting or abutting on any public street.

(2)Every document furnished under sub-section(l) shall contain such particulars and be prepared in such manner as may be required under the rules or bye-laws made under this Act.

388. 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 387.

389. PROHIBITION OF COMMENCEMENT OF WORK WITHOUT PERMISSION.—The construction or reconstruction of a building shall not be begun unless and until the Secretary has granted permission for the execution of the work. 11

4 of1999, w.e.f. 24-3-1999. 11

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390. PERIOD WITHIN WHICH APPROVAL OR DISAPPROVAL SHALL BE INTIMATED.— Within thirty days after the receipt of an application made under section 387 for approval of a site or of any information or further information required under any rules or bye-laws made under this Act, the Secretary shall, by written order, either approve or refuse to approve the site on any of the grounds mentioned in section 393 and intimate the fact to the applicant.

391. PERIOD WITHIN WHICH SECRETARY IS TO GRANT OR REFUSE TO GRANT PERMISSION TO EXECUTE WORK.— Within thirty days after the date of receipt of an application under section 387 for permission to execute any work or of any information or of document or further information or documents required under the rules or bye-laws made under this Act, the Secretary shall, by written order either grant or refuse to grand such permission on any of the grounds mentioned in section 393 and intimate the fact to the applicant in writing:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 390.

392. REFERENCE TO COUNCIL WERE SECRETARY DELAYS GRANT OR REFUSAL OF APPROVAL OR PERMISSION.— (1) Where, within the period specified in section 390 or section 391, as the case may be, the Secretary has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the Council shall be bound, on the written request of the applicant, to determine whether such approval or permission should be given or not.

(2) Where the Council does not, within 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 not so as to contravene any of the provisions of this Act or any rules or bye-laws made thereunder.

393. GROUNDS ON WHICH APPROVAL OF SIGHT OR PERMISSION TO CONSTRUCT OR RECONSTRUCT BUILDING MAY BE REFUSED.— (1) The grounds on which approval of site for construction or reconstruction of a building or permission to construct or reconstruct a building shall be refused are the following, namely:—

(1)that the work or use of the site for the work or any of the particulars comprised in the siie plan, ground plan, elevations, sections or specifications would contravene provisions of any law, or any order, rule, declaration or bye-law made under such law; (ii)

(ii)that the application for such permission does not contain the particulars or is not prepared in the manner required by any rule or bye-law made under this Act;

(iii)that any of the documents referred to in section 387 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 the rules or bye-laws made under this Act has not been duly furnished;

(v)that the streets or roads have not been made as required under section 359;

(vi)that the proposed building would be an encroachment upon a land belonging to the Government or the Municipality; or

(vii) that the land is under acquisition proceedings.

(2)No application for approval of a building site or for permission to construct or reconstruct a building shall be refused without stating the reasons for such refusal.

394. LAPSEOFPERMISSION.— Where the construction or reconstruction of a building 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.

395.POWEROF SECRETARYTOREQUIREALTERATIONINWORK.— (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 or declaration made thereunder,

he may, by notice, require the person for whom such work is done-

(i)to make such alterations as may be specified in the said notice with the object of bringing the work in conformity with the plans or specifications approved or the provisions so contravened; or

(ii)to show cause why such alterations should not be made,

within such period as may be specified in the notice.

12[Provided that any construction made in deviation from the approved plan and specifications may not be required to be altered unless it contravenes any provisions and specification mentioned in this Act or the 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 may, by order confirm, modify or cancel the notice issued under sub-section(l).

396. STOPPAGEOFWORKENDANGERINGHUMANLIFE.— 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 endangers human life.

WELLS

397.APPLICATIONOFCERTAINSECTIONSTOWELIS.— The provisions of section 387, 388, 389, 394,395 and 396 shall, as far as may be, apply to the digging of a well.

HUTS

398.APPLICATIONTOCONSTRUCTORRECONSTRUCTHUTS.— (1) Every person who intends to construct or reconstruct a hut within a municipal 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 such application and plan under sub-section (1) shall contain such particulars and be prepared in such manner as required by rules or bye-laws made under this Act.

399.PROHIBITIONOFCOMMENCEMENTOFWORKWITHOUTPERMISSION.— No person shall begin the construction or reconstruction of a hut without the permission under section 398.

400.PERIODWITHINWHICH SECRETARYISTOGRANTORREFUSE, TOGRANTPERMISSIONTO EXECUTETHEWORK.— Within fourteen days after the date of receipt of an application under section 398 or of any information or plan or further information or fresh plan required under the rules or bye-laws made under this Act, the Secretary shall, by written order, either grant or refuse permission on any of the grounds mentioned in section 402.

401.REFERENCETO COUNCILWHERE SECRETARYDELAYSPASSINGORDERS.— (1) Where within the period specified in section 400, the Secretary has neither granted nor refused to grant permission to construct

or reconstruct a hut, the Council shall be bound on the written request of the applicant to determine whether such permission should be granted or not.

(2) Where the Council 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 thereunder.

12.Proviso added by Act 14 of 1999, w.e.f. 24-3-1999.

402.GROUNDSONWHICHPERMISSIONTOCONSTRUCTORRECONSTRUCTHUTMAYBE REFUSED.— (1) The grounds on which permission to construct or reconstruct a hut may be refused are the following, namely:-

(1)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 streets or roads have not been made as required under Section 359; or

(v) that the proposed hut would be an encroachment upon a land belonging to the Government or the Municipality.

(2) No application for permission to construct or reconstruct a hut shall be refused without stating the reasons for such refusal.

403.LAPSEOFPERMISSION.— Where the construction or reconstruction of a hut is not completed within the period specified in the permission, such permission shall lapse unless as application for extension of time is made before the expiry of the period specified.

EXTERNAL WALLS, ALTERATIONS AND ADDITIONS

404.MAINTENANCEOFEXTERNALWALLSINREPAIR.— The owner or occupier of any building adjoining a public street shall keep the external part of the building in proper repair, with lime or cement plaster or any other material to the satisfaction of the Secretary.

405.APPLICATIONOFPROVISIONSTOALTERATIONSANDADDITIONS.— The provisions of this Chapter and of any rule or bye-law made under this Act relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that 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 usage and which do not affect the position or dimension of a building or any room therein shall not be deemed an alteration or an addition for the purpose of this section. Changing of roof by using a different materiel, fitting of rolling shutters, building of walls 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.

POWERS OF THE SECRETARY

406.Demolition or alteration of building work unlawfully commenced, carried on or completed.— (1) Where the Secretary is satisfied-

(i)that the construction, reconstruction or alteration of any building or digging of any well-

(a) has been commenced without obtaining the permission of the Secretary or in contravention of the decision of the Council; or

(b)is being carried on, or has been completed otherwise than in accordance with the plans or specifications on which such permission or decision was based; or

(c)is being carried on, or has been completed in breach of any of the provisions of this Act or any rule or bye-law or order made or issued thereunder or any direction or requisition lawfully given or made under this Act, such rule, bye-law or order; or

(ii)that any alteration required by any notice issued under section 395 has not been duly made; or

(iii)that 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 405,

he may make a provisional order requiring the owner or the person for whom the work is done to demolish the work done, or so much of it as, in the opinion of the Secretary, has been unlawfully executed or to make such alterations as may, in the opinion of the Secretary, 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.

13[Provided that the Secretary may, on realisation of a compounding fees as may be fixed by the Government, regularise any constructions, reconstruction or alteration of any building or digging of any well, commenced, carried on or completed without getting a plan approved by the Secretary or in deviation of the approved plan, if such construction, reconstruction or alteration of the building or digging of the well does not contravene any of the provisions and specifications mentioned in this Act or the Building Rules made thereunder.]

(2) The Secretary shall serve a copy of the provisional order made under sub-section (1)on the owner or the person for whom such work is done together with a notice requiring him to show cause within 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 same to such 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 or the well dismantled, as the case may be and the expenses therefor shall be recoverable from the owner or such person.

(4)Notwithstanding anything contained in sub-section (2) or sub-section (3), prosecution proceedings against the owner or the person for whom the work is done may be inititated.

14[(5) Where the Government is satisfied that the construction, reconstruction or alteration of any building has been carried out in breach of any of the provisions of this Actor any rules made thereunder or any direction lawfully given by the Government, or Secretary, the Government may direct the Secretary of the Municipality to cause demolition of such construction, reconstruction or alteration unlawfully carried out and if such direction is not complied within the time limit specified in such direction, the Government may arrange the demolition and cost thereof shall be recovered from the Municipality.] 13 14

13.Proviso added by Act 14 of 1999, w.e.f. 24-3-1999.

14.Sub-section (5) added by Act 14 of 1999, w.c.f. 24-3-1999.

15**[407. POWERTOREGULARISETHEUNLAWFULBUILDINGCONSTRUCTION.**— (1) Notwithstanding anything contained in this Act, if any person or institution unlawfully, developed any land or constructed any building on 15A[or before 15th October 1999], the Government may after consultation with the concerned Municipality on realisation of a compounding fee as prescribed, regularise such land development or building construction:

Provided that such regularisation shall not adversely affect any Town 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 thereunder.

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

EXPLANATION.— For the purpose of this Act, unlawful construction means any construction for which the Secretary shall have no power to regularise under Section 406 of this Act or any construction or re-construction done in contravention of the provision of this Act or the Building Rules made thereunder or in contravention of any. approved plan or any construction done in deviation of any exemption order sanctioned by the Government or any condition specified therein.]

408. ORDEROFSTOPPAGEOFBUILDINGSORWORKSINCERTAINCASES.— (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 Council or any of the provisions of this Act or any rule or bye-law made thereunder or any lawful direction or requisition given or made under this Act, or the rules or bye-laws, 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 it being carried on, to stop the same forthwith.

(2) Where such order is not compiled with, the Secretary may require any police

officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with, the Secretary may, if he thinks fit, require in writing the assistance of a police officer or depute by a written order an officer or employee of the Municipality to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued and the cost thereof shall be paid by the person at whose instance such erection or execution was being continued or to whom notice under sub section (1) was given, and shall be recoverable from such person as an arrear of property tax under this Act. [15]

15.Section 407 substituted by Act 14 of1999, w.e.f. 24-3-1999.

15ASubstituied for "on or before 31st December 1998" by Act 14 of2000, w.e.f. 18-1-2000.

EXEMPTION

409. CERTAINBUILDINGSORSHEDSEXEMPTED.— (I) Any building constructed and used, or intended to be constructed and used, exclusively for the purposes of a plant-house, matter house, [16]fx x] (not being a dwelling house), or sheds for keeping fuel or firewood for the domestic use of its owner or for keeping agricultural implements, tools, rubbish or other materials or for watching crops or [17] [18][sheds and other temporary sheds used exclusively for the purpose of kennels intended for keeping not more than two dogs, cattle shed intended for keeping not more than two cattle and each one of its calves or aviary intended for keeping not more than ten bird like hen, duck etc.], shall stand exempted from the provisions of this Chapter other than section 386, provided the building is wholly detached from, and situate at a distance of at least one metre from the adjacent building.

(2) The Secretary may grant permission to a person [1H][on such terms as the Council may generally decide in each easel to erect for a specified period huts or sheds of a purely temporary nature for stabling, or other similar purposes. On the failure of the person to demolish of dismantle it at the expiry of the period specified, the Secretary may cause it to be demolished or dismantled and the cost therefor shall be recovered from such person as if it were an arrear of property tax due under this Act.

410. [19]fx x x x] *See Note below*

CHAPTER XIX

NUISANCES

DANGEROUS STRUCTURES, TREES AND PLACES

411. Precautions in case of dangerous structures.— (1) Where any structure is deemed by the Secretary to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures, the Secretary may by notice require the owner or occupier of such structure to fence off, take down, secure, demolish or repair the same so as to prevent any danger therefrom.

(2) Where immediate action is necessary, the Secretary shall, before giving such notice or before the period of such notice expires, cause to fence off, take down, secure, demolish or repair such structures, or fence off a part of any street or take such temporary measures as he deems fit to prevent danger, and the cost thereof shall be recoverable from the owner or occupier in the manner provided in section 538.

(3) Where in the opinion of the Secretary the said structure is imminently dangerous to the inmates thereof, the Secretary shall order the immediate evacuation thereof, and any person disobeying the order may cause to be removed if necessary, with the assistance by a police officer.

16. The words "summer-house" omitted by Act 14 of 1999, w.e.f. 24-3-1999.

17. Substituted for the words "for poultry house or aviary" by Act 14 of 1999, w.e.f. 24-3-1999.

18. Substitutedfor the words by Act 14 of1999, w.e.f. 24-3-1999.

19.Section 410 omitted by Act 14 of1999, w.e.f. 24-3-1999.

412. PRECAUTIONSINcase **OFDANGEROUSTREES.**— (1) Where any tree or any branch of a tree or the fruits of any tree deemed by the Secretary to be likely to fall and thereby endanger any person or any structure, the Secretary may, by notice, require the owner of the said tree to secure, lop or cut down the said tree or any branch thereof so as to prevent any danger therefrom.

(2) Where immediate action is necessary, the Secretary shall before giving such notice or before the period of such notice expires cause to secure, lop or cut down the said tree or branch thereof or remove the fruits thereof or fence off a part of any street or take such other temporary measures as he deems fit to prevent danger, and the cost thereof shall be recoverable from the owner of the tree in the manner provided in section 538.

413. PRECAUTIONSINCASEOFDANGEROUSTANKS, WELLS, HOLESETC.— (1)

Where any tank, pond, well, hole, stream, dam, bank or other place 'appears to the Secretary to be, fpr want of sufficient repair, protection or enclosure, dangerous to the passer-by or to persons living in the neighbourhood, the Secretary may by notice, require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) Where immediate action is necessary, the Secretary shall, before giving such notice or before the period of notice expires, cause to take such temporary measures as he deems fit to prevent danger, and the cost thereof shall be recoverable from the owner in the manner provided in section 538.

414. POWERTOSTOPDANGEROUSQUARRYING.— Where in the opinion of the Secretary, the working of any quarry or the removal of stone, earth or other material from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Secretary may, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or make such order as he deems necessary for the purpose of preventing danger or abating the nuisance arise or likely to arise from such quarry or place.

415. PRECAUTIONSAGAINSTFIRE.— (1) The Secretary may. by notice, require the owner of any structure, booth or tent partly or entirely composed of or having any external roof, verandah, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other highly inflammable materials to remove or alter such tent, booth, structure, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the Secretary may think necessary to prevent danger from fire.

(2) The Secretary may, by notice, require any person using any place for the storage for private use of timber firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the Secretary is of opinion that the means of egress from any building are insufficient to allow safe exit in the event of fire he may, with the sanction of the Council, by notice, require the owner or occupier of the building to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct and where any building, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that gangway, passages and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.

CONTROL OVER WATER ETC.

416. PROHIBITIONOFCONSTRUCTIONOFWELLS, TANKS, ETC., WITHOUTTHE PERMISSIONOFTHE SECRETARY.— (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Secretary.

(2) The Secretary may grant permission subject to such conditions as he may deem necessary, or may, for reasons to be recorded in writing, refuse it.

(3) Where any such work is begun or completed without such permission, the Secretary may either-

(a) by notice, require the owner or other person who has done such work to fill up or demolish such work in such manner as the Secretary directs; or

(b)grant permission to retain such work:

Provided that such permission shall not exempt such owner from being proceeded against for contravening the provisions of sub-section (1).

417. Filling in pools, etc., which are sources of nuisance.— (1) Where, in the opinion of the Secretary-

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry, hole, drain, cess pool, watercourse or any collection of water; or

(b)any land on which water may at any time accumulate,

is likely to become a breeding place of mosquitoes or in other respect a source of nuisance, the Secretary may, by notice, require the owner or person having control thereof to fill in, cover over, demolish, weed and stock with larvicidal fish, petrolize, drain-off the same in such manner and with such materials as the Secretary directs and or make such order for removing or abating the nuisance.

(2) Where a person on whom a requisition is made under sub-section (1) to fill in, cover over, or drain of a well, delivers to the Secretary, within the time specified for compliance therewith, written objections to

such requisition, the Secretary shall report such objections to the Council, and shall make further inquiry in to the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the Council, but the Secretary may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent nature proceed in accordance with section 533 and pending the Council's disposal of the question whether the said well shall be permanently filled in, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the Secretary shall determine with the approval of the Council whether the expenses of any work already done as aforesaid shall be paid by such owner or by the Secretary out of the municipal fund or shall be shared and if so, in what proportion.

418. REGULATIONORPROHIBITIONOFCERTAINKINDSOFCULTIVATIONS.— A Municipality may, on a report of the Director of Health Services, the health officer of the Municipality or the local medical officer appointed by the Government that the cultivation of any description of crop or the use of any kind of manure or the irrigation of any land in any place within the municipal area is in injurious to the public health, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, the use of manure or irrigation of reported to be injurious:

Provided that where such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons affected for any damage caused to them by absolute prohibition.

419.CLEANINGOFINSANITARYPRIVATETANKORWELL, THEWATEROFWHICHISUSEDFOR DRINKINGETC.— (1) The Secretary may, by notice, require the owner or person having control over any private water course, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes, to keep the same in good repair and to cleanse it of silt, refuse or vegitation and to protect it from pollution by surface drainage in such manner as he may think fit.

(2) Where the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the Secretary to be unfit for the said purpose, the Secretary may, by notice, require the owner or person having control thereof to-

(a)refrain from using or permitting the use of such water; or

(b)close or fill in such place or enclose it with a substantial wall or fence.

[2]"[420. **DUTYOF MUNICIPALITYINRESPECTOFPUBLICWELL**eess **POOLS.**— The Municipality shall keep and maintain in a clean condition all wells, ponds and reservoirs which are not in private property and operate it in a manner useful to the public.]

421.PUBLICWELLS, ETC., OPENTOALL.— All wells, tanks and reservoirs maintained by a Municipality shall be open to use and enjoyment by all members of the public.

422.PROHIBITIONORREGULATIONOFWASHINGOFANIMALSORCLOTHESORFISHINGOR DRINKINGINPUBLICWATERCOURSES, TANKS, ETC.— A Municipality may, in the interests of public health, regulate or prohibit washing of animals, clothes or other things or fishing in any public spring, tank, well, public water course or part thereof within the municipal area and may set apart any such place for drinking or for bathing or for washing clothes or animals, respectively, or for any other specified purpose.

423.PROVISIONOFPUBLICWASHHOUSES.— (1) A Municipality may construct or provide and maintain public wash houses or places for the washing of clothes and may require the payment of such rents and fees for the use of any such wash house or place as it may determine.

(2)A Municipality may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as it may think fit.

(3)Where sufficient number of public wash houses or places are not maintained under sub-section (1), the Municipality may, without making any charge therefor, specify suitable places for the exercise by washermen of their calling.

424.Prohibition of washing by washermen at unauthorised places.—(1) The Secretary may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, within the municipal area, except at-

(a)public wash houses and places maintained or provided under section 423, or

(b)such other places as it may specify for the purpose.

(2) Where any such prohibition has been imposed, no person who is by calling, a washermen shall, in contravention of such prohibition, wash clothes except for himself or for personal and family service or for hire on and within the premises of the hirer at any place within the municipal area other than a public wash house or place maintained, provided or specified under section 423. [20]

20.Section 420 substituted by Act 14 of 1999, w.e.f. 24-3-1999.

425.Prohibition of defiling of water of tanks, etc., whether public or private.—It shall not be lawful for any person to-

[21] [(a) bathe in or in any other manner defile the water specially kept in any place by the Municipality for by any owner or drinking; or

(aa) defile the water kept for bathing in any manner, or]

(b)deposit any offensive or deleterious matter in the dry bed of any place set apart for drinking purposes; or

(c)wash clothes in any place set apart for drinking or bathing; or

(d)wash any animal or any cooking untensils or wool, skin or other foul or offensive substances or deposit any offensive or deleterious matter in any place set apart for bathing or washing clothes; or

(e)cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes or cause or suffer anything to be brought there into or do anything whereby the water may be fouled or corrupted.

CONTROL OVER ABANDONED LANDS, UNTRIMMED HEDGES, ETC.

426.UNTENANTEDBUILDINGSORLANDS.— Where any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or where, in the opinion of the Secretary, becomes a nuisance, the Secretary may, after due inquiry, by notice, require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same within a reasonable time specified in the notice.

427. REMOVALOFFILTHORNOXIOUSORWILDVEGETATION.— The Secretary may, by notice, require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state, or over-grown with any thick, noxious or wild vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty four hours or such longer period not exceeding forty eight hours and in such manner as may be specified in the notice.

428.Securing trees adjacent to house or well.— Where it appears to the Secretary that any tree or branch of any tree is likely to be a nuisance to the adjacent houses or wells or tanks, the Secretary may, by notice, require the owner of the said tree to chop, secure or cut down the said tree within such time as may be specified in the notice, which shall not exceed forty-eight hours, so as to prevent the nuisance therefrom.

429.FENCINGOFBUILDINGSORLANDSANDPRINTINGOFHEDGESANDTREES.— The Secretary may, by notice, require the owner or occupier of any building or land near a public street to-

(a)fence the same to the satisfaction of the Secretary.; or

(b)trim or prune any hedges bordering on the said street so that it may not exceed such height from the level of the adjoining road-ways as the Secretary may determine; or

(c)cut and trim any hedge or tree overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(d)lower an enclosing wall or fence which by reason of its height and situation obstructs the view of the traffic so as to cause danger. [21]

21.Clause (a) substituted by clauses (a) & (aa) by Act 14 of1999, w.e. f. 24-3-1999.

430. SECRETARYTOACTINDEFAULT.— Where any person fails to comply with a requisition made by the Secretary under sections 426, or section 427, or section 428 or section 429, the Secretary may, without prejudice to any other action that may be taken against such person, cause the act or the work mentioned in that section to be done and the expenses incurred thereby may be recovered from such person in such manner as arrears of property tax under this Act.

CONTROL OVER INSANITARY BUILDINGS

431.LIME-WASHINGANDCLEANSINGOFBUILDINGS.— Where it appears to the Secretary, that it is necessary for sanitary purposes so to do, he may, by notice, require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within such time as may be specified in the notice.

432.Further powers with reference to insanitary buildings.— (1) Where the Secretary considers that-

(a)any building or portion thereof is, by reason of its having no plinth, or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of impracticability of cleansing,

attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety; or

(b)a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may, by notice, require the owners or occupiers of such buildings or portions thereof or, at his option, the owners of the land occupied by such buildings or portions thereof to execute such work or to take such measures as he may deem necessary for the prevention of such danger.

(2)No person shall be entitled to compensation for damage sustained by reason of any action taken under or in pursuance of this section, save where a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which case the Municipality shall pay compensation to the owner thereof.

(3)Where any building is entirely demolished under sub-section (2) and the demolition thereof adds to the value of other buildings or property in the immediate vicinity, the owners of such other buildings or property shall be bound to contribute towards compensation payable to the owner of the building so demolished in proportion to the increased value accrued by their own building or property, as the case may be.

(4)Where any building is so far demolished under sub-section (2) as to require reconstruction,
allowance shall be made in determining the compensation for tbe benefit accruing to the premises from the improvement thereof.

433.BUILDINGSUNFITFORHUMANHABITATION.— (1) Where any building or portion thereof intended for use as a dwelling place appears to the Secretary to be unfit for human habitation, he may by order prohibit -(subsequent use] of such structure for such purpose after giving the owner or occupier of the structure a reasonable opportunity of showing cause why such order should not be made.

(2)Where a prohibitory order has been issued under sub section (1), the Secretary shall communicate the same to the owner or occupier of the structure and no owner or occupier of such structure shall use or allow to be used for human habitation until the Secretary certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction.

(3)Where a prohibitory order issued under sub section (1) has remained in operation for one month, the Secretary shall report the case to the Council, which shall, thereupon,
consider whether the structure should not be demolished. The Council shall give the owner or occupier not less than fifteen days notice of the time and place at which the question will be considered, and the owner or occupier shall be entitled to be heard when the question is taken into consideration.

(4)Where, upon such consideration, the council is of opinion that the structure has not been rendered fit for human habitation or that steps are not being taken with due diligence to render it fit or ihat the continuance of the structure is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect specifying the reason therefor, and the Secretary shall, in pursuance of the said decision, by notice, require the owner or occupier to demolish the structure within a period of seven days.

(5)Where the owner or occupier undertakes to execute forthwith the works necessary to render the structure fit for human habitation and [22] [23]fthe Secretary may with the consent of the Chairperson] considers that it can be so made fit, the Secretary may postpone the execution of the decision of the Council for such time not exceeding six month as he thinks sufficient for the purpose of giving the owner or the occupier in opportunity of executing the necessary works.

434. ABATEMENTOFOVERCROWDINGINDWELLINGHOUSEORDWELLINGPLACE.—(1) Where it appears to the Secretary that any dwelling house or other building which is used as a dwelling place, or any room in such dwelling house or building is so overcrowded as to endanger the health of the inmates thereof, he may, with the approval of the Standing Committee concerned, by written order, require the owner of the building or room within a reasonable time not exceeding four weeks to be specified in the said order, to abate such over crowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper to abate such overcrowding.

(2) As Municipality may, by written order declare what amount of superficial and cubic space shall be deemed for the purposes of the sub section (1) to be necessary for each occupant of a building or room,

(3)Where any building or room referred to in sub-section (1) has been sub-let, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (I).

CONTROL OVER CERTAIN ANIMALS

435. PROHIBITIONOFFEEDINGOFCERTAINANIMALSONFILTH.— No person shall feed or permit any animal, which is kept by him for dairy purpose or which may be used for food, to be fed on filth.

436.Prohibition of keeping of animals so as to cause nuisance or danger.— No person shall keep any animal on his premises so as to cause nuisance or danger to any person in the neighbourhood,

437.LICENSINGOFDOGS.— No person shall keep any dog except with a licence obtaining from the Secretary and every owner shall cause his dog to be inoculated against rabies.

22.Substituted for the words "further use" by Aci 14 of 1999, w.e.f. 24-3-1999.
23.Substituted for the words "the Secretary" by Act 14 of 1999, w.e.f. 24-3-1999.

438. POWERTODISPOSEOFSTRAYPIGSANDDOGS.— The Secretary may order for the seizure and destruction of unlicensed pigs or dogs straying in the municipal area shall make such arrangements therefor as he may deem fit.

GENERAL

439.POWEROF SECRETARYTOUSEORSELLMATERIALSOFDANGEROUSSTRUCTURETAKEN DOWN, ETC., ANDPROCEDUREWHENTHEREISNOOWNEROROCCUPIER.— (1) Where the Secretary takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit by virtue of his powers under this Chapter, the Secretary may sell the materials or things taken down, cut down or removed , and apply the proceeds in or towards payment of the expenses incurred therefor.

(2)Where after reasonable inquiry, it appears to the Secretary that there is no owner or occupier to whom notice can be given under any section this Chapter, he may take such action as may appear to him to be necessary with regard to the property concerned and may meet the expenses incurred therefor by the sale of such property (not being land) or of any portion thereof.

(3)The Secretary may authorise any officer to seize any animal found straying in public roads and streets, whether licensed or not, causing obstruction to traffic or inconvenience to public and may dispose of the animal in the same manner provided for the disposal of impounded cattle under the Kerala Cattle Trespass Act, 1961 (26 of 1961):

Provided that the Secretary may, if he deems fit summarily recover a fine not exceeding two hundred and fifty rupees for any animal seized as a condition for release.

440.POWEROF SECRETARYTOISSUEDIRECTIONSTOABATENUISANCE.— (1) Where the Secretary is satisfied that any act or omission, place or thing which causes or is likely to cause injury, danger, annoyance, disturbance or offence to the sense of sight, smell or hearing or to rest or sleep or which is or may be dangerous to life or injurious to health or property of any person or persons, he may issue such direction to such person at whose instance, he has reason to believe that such nuisance is caused or such act or omission it is likely to be caused and take all steps as may be required to abate the said nuisance within such time as may be specified in the notice which shall not exceed forty eight hours.

(2) Any person to whom a direction has been issued under sub-section (1) shall be bound to comply with such direction within such time as may be specified therein and any person failing to comply with the direction shall be liable to prosecution.

441. LIMITATIONOFCOMPENSATION.— Save as provided in sections 418 and 432 no person shall be entitled to compensation for any damage sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this Chapter.

CHAPTER XX

LICENCES AND FEES

GENERAL PROVISIONS AS TO LICENCES

442. EXEMPTIONOF GOVERNMENTFROMTAKINGOUTLICENCE.— Nothing in this Chapter shall be construed to require the State Government or the Central Government to take out a licence in respect of any place in the occupation or under the control of or any property belonging to such Government.

443.CONDITIONSPRECEDENTTOGRANTORRENEWALOFLICENCE.— NOTWITHSTANDING anything contained in this Act or any other law, the Secretary may refuse to grant or renew a licence under the provisions of this Act or any other law which authorizes him to issue a licence, if the person applying for the licence has made default in the payment of any taxes or fees payable by him to the Municipality, provided the Secretary may, if he deems fit, grant or renew the licence for a period not exceeding two months on satisfactory guarantee for the payment within the said period.

KEEPING OK ANIMALS

444. LICENCESFORPLACESINWHICHANIMALSAREKEPT.— (1) The owner or occupier of any stable, veterinary, infirmaty, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year, or in the case of a place to be newly opened, within

one month before the opening of such place, apply to the Secretary for a licence for the use of the same for any such purpose of profit.

(2)The Secretary may, by order an subject to such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3)No person shall without or otherwise than in conformity with a licence, use place for such a purpose.

445.General powers of control over stables, cattle sheds and cow houses.— (1) All stables, cattle sheds and cow houses shall be under the survey and control of the Secretary as regards their site, construction, materials and dimensions.

(2)The Secretary may, by notice, require that any stable, cattle shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3)Every notice under sub-section (2) shall be addressed to the owner of the building or land to which the stable, cattle shed or cow house is located.

(4)The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

446.POWERTODIRECTDISCONTINUANCEOFUSEOFBUILDINGASSTABLE, CATTLESHEDORCOW HOUSE.— Where any stable, cattle shed or cow house is not constructed or maintained in the manner required by or under this Act, the Secretary may, by notice, for reasons to be recorded therein direct that the same shall no longer be used as a stable, cattle shed or cow house.

INDUSTRIES, FACTORIES AND OTHER TRADES

447.PURPOSEFORWHICHPLACESMAYNOTBEUSEDWITHOUTLICENCE.— (1) A Municipality may notify by publication in the Gazette or in any other manner as may be prescribed that no place within the Municipal area shall be used for any one or more of the purposes specified [24][in the rules made in this behalf) or for any other trade without licence and except in accordance with the conditions specified therein and where the licence is for running hostels, restaurants, eating houses, coffee houses, Abkari shop, laundries, travel agency or barber saloons, the licence shall always contain and be deemed to contain a condition that admission or service therein shall be available to any member of the public:

Provided that no notification under this sub-section shall take effect before the expiry of sixty days from the date of its publication.

(2) The owner or occupier of every such place shall within thirty days of the publication of the notification apply to the Secretary for a licence for the use of such place for such purpose.

[25][(3) The Council shall, within thirty days from the date of receipt of the application, by order and subject to such terms and conditions as it deems fit, either grant a licence for the use of a place for conducting a dangerous or offensivetrade or in the interest of the public refuse to grant such licence.

(3 A) The Secretary shall, within fifteen days from the date of receipt of the application, by order and subject to such terms and condition as he deems fit, either grant licence for using a place to conducta common trade or in the interest of the public refuse to grant such licence.)

#

[(4) The periods of licence granted under sub-section (3) and (3A) or a licence deemed to have been granted under subsection (6) shall, unless a date is specified therein, expire on completion of three years from the date of its issue.

(5) Every application for any licence or permissionor for its renewal under this Act or the rulesor bye-laws made thereunder, shall be made not less than thirty days and not more than ninety days before the earliest day on which such licence or permission is required or the licence expires.]

(6), (7) & (8) [26][x x x x]

[27] [447A. **Consultation with the Municipality for establishing the Industrial estate or Industrial development area by the Government.**— The Government or any agency controlled by the Government shall consult a Municipality before opening an Industrial Estate or Industrial Development Centre or Industrial Area or Industrial Growth Centre or Export Processing Sector or Industrial Park within the Geographical area of that Municipality.]

448. Application to be made for construction, establishment or installation of factory, workshop or workplace in which

 # Sub section 4,5 substituted by FifthAmendment Act35of2005,w.e.f 24-08-2005

(a) to construct or establish any factory, workshop or work place in which it is proposed to employ steam power, water power or other mechanical power or electrical power or, any other factory which does not employ any such power; or

(b) to installs in any premises any machinery or manufacturing plants driven by steam,

water or other power not being machinery or manufacturing plant 28[exempted by this Act or the rules made thereunder] shall, before beginning such construction or establishment make [29] [an application to the Municipality in the prescribed form addressed to the Secretary] for permission to undertake the intended work.

(2) The application under sub-section (1) shall specify the maximum number of workers proposed to be employed on any day in the factory, workshop, workplace or premises and shall be accompanied by -

(i) a plan of the factory, workshop, work place or premises prepared in such manner as may be prescribed; and

(ii) such particulars as to the power, machinery, plant or premises as may be required by byelaws made in this behalf.

[30][(3) The Secretary shall, as soon as may be, after the receipt of the application, report to the Council if the establishment of the factory or workshop or workplace or the installation of the machinery or manufacturing plant, for which permission is applied for, is objectionable by reason of causing nuisance or pollution due to the density of population in the neighborhood and the Council shall, after having considered the application and the reports of the Secretary and of such other authorities specified in sub-section (4) and as far as possible, any how, within a maximum period of 45 days from the date of receipt of the application,—

(a) grant the permission applied for absolutely or subject to such conditions as it deems fit; or (b) refuse the permission for reasons to be recorded;]

[31] [(4) The Council shall, before granting or refusing the permission under sub-section (3), obtain and consider,—

(a)if the factory or workshop or workplace or premises comes within the purview of the Factories Act, 1948 (Central Act 63 of 1948), a report of the Inspector of the Factories appointed under the Factories Act, 1948 (Central Act 63 of 1948) or an officer of the Industries Department not below the rank of the Industries Extension Officer having jurisdiction over the area, regarding the adequacy of ventilation and light, the sufficiency of the height and dimensions of the rooms and doors, the suitability of the exits to be used in case of fire etc. in the plan of the factory or workshop or workplace or premises and such other matters as may be prescribed;

(b) if the connected load of the machinery proposed to be installed exceeds twenty-five horse power or the machinery and other institutions are of the nature that there is possibility to cause nuisance or pollution or the said industry is the one as specified in the seventh schedule, a report of the District Medical Officer of Health, regarding the possibility to cause nuisance or pollution; and.

(c) if the connected load of the machinery proposed to be installed exceeds twenty-five horse power

or the said industry is the one included in the eighth schedule, a report of the Divisional Fire Officer or any other officer authorised by him, regarding the sufficiency of the planned fire prevention and fire fighting activities:

Provided that if a declaration is given by the applicant recommended by the officer in the Industries Department or the Kerala State Pollution Control Board authorised for this behalf, to the effect that no pollution is involved in any industry, in respect of such industry report under clause (b) may not be required.]

(5)More than nine workers shall not be employed on any day in any factory, workshop, workplace or premises unless the permission granted in respect thereof under sub-section (3) authorises such employment, or unless fresh permission under the said sub-section authorising such employment has been obtained.

(6)The grant of permission under this section-

(a)shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed be subject to such restrictions and control as may be prescribed, and

(b)shall not be deemed to dispense with the necessity for compliance with the provisions of section 387 and 389 or sections 398 and 399, as the case may be.

Explanation.— The word "worker" in sub-section (2) and (5) shall, in relation to any factory, workshop, workplace or premises have the same meaning as in the Factories Act, 1948 (Central Act 63 of 1948).

[32][449. **ABATEMENTOFNUISANCEFROMFACTORY, WORKSHOPETC.**— (1) Where any factory, workshops, workplace or machinery causes nuisance, which in the opinion of the Council, is by reason of a particular kind of fuel being used or by reason of the noise or vibration created, or discharge of poisonous gas or emission, of foul odour or smoke or dust, the Secretary may direct the person in charge of such factory or workshop or workplace or machinery for the abatement of such nuisance within a reasonable time.

27.Section 447A inserted by Act 14 of1999, w.e.f. 24-3-1999.

28.Substituted for the words "exempted by rules" by Act 14 of1999, w.e.f. 24-3-1999.

29.Substituted for the words by Act 14 of 1999, w.e.f. 24-3-1999.

30.Sub-section (3) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

31.Sub-section (4) substituted by Act 14 of 1999, w.e.f. 24-3-1999

(2)The Council may, if required, obtain expert opinion regarding the assessment of nuisance or its abatement at the cost of the owner of the concerned factory or workshop or workplace or the person in charge of them.

(3)If there is a wilful default in the implementation of such direction or in the existing circumstances the abatement of nuisance is found impracticable, the Secretary may prohibit the working of the factory or workshop or workplace or machinery until necessary steps are being taken satisfactorily by the person concerned for the abatement of nuisance.]

[33][450. **EXEMPTION.—** Notwithstanding anything contained in Section 448 no permission of the Municipality shall be required for the installation of the following machinery or manufacturing units or Industrial units, as the case may be, namely:—

(a) Electrical and non-electrical appliances and machinery intended to be used for domestic or personal purposes;

(b)Electrical and non-electrical appliances installed for agricultural purposes;

(c) Static transformer stations, condenser stations and rectifier stations which will not require regular attention;

(d) portable drilling machines and portable machines used for construction purposes like concrete mixers;

(e) a mechanical device installed at workshop or workplace attached to educational institution or for scientific purposes

(f) mechanical devices introduced by the Kerala State Electricity Board for generation and transmission of electricity;

(g)installations of the Kerala Water Authority for Water Supply and sewerage;

(h) Industrial units, certified by the Industries Department of the Government or by the Kerala State Pollution Control Board as non-polluting industry and with machinery having capacity of less than five horse power;

(1)Industrial units in the area declared by the Government or the Government controlled agency as an Industrial Estate, Industrial Development Area, Industrial Development Plot, Industrial Growth Centre, Export Processing Zone or Industrial Park:

Provided that the owner of any industrial unit specified under item (h) and (i) shall register the unit in the Municipality by remitting the prescribed fee.]

451. The Secretary may enter any factory, workshop or workplace.— (1) The

Secretary or any person authorised by him in this behalf may enter any factory or workshop or workplace-fa) at any time between sunrise and sunset;

(b)at any time when an industry is being carried on; and

(c)at any time by day or by night, if he has reason to believe that the provision under section 448 or section 449 are being violated.

(2) No claim shall lie against any person for any damage or inconvenience caused by the exercise of power under this section or by the use of any force necessary for the purpose of effecting an entrance under this section. 32 33

32. Section 449 substituted by Act 14 of 1999, w.e.f. 24-31999 33. Section 450 substituted by Act 14 of 1999, w.e.f. 24-31999

SLAUGHTER HOUSES

452. PROVISIONOF MUNICIPAL SLAUGHTERHOUSE.— (1) Every Municipality shall provide sufficient number of places for the use as municipal slaughter houses and may charge rents and fees at such rates as it may think fit for use thereof. But, if any complaint is received regarding the conduct of such slaughter houses from nearby residents, steps shall be taken to start such slaughterhouses only after examining such complaints in detail.

(2)The Municipality may-fa) place such slaughter houses under the management of such persons as may appear to it proper for the collection of such rents and fees, or.

(b) farm out such collection on such terms and conditions as it may think fit for any period not exceeding three years at a time.

14[(3) The Municipality shall make necessary arrangements for maintaining the municipal slaughter houses in a hygienic manner and for the disposal of waste.]

453. LICENCEFORSLAUGHTERHOUSE.— (1) The owner of any place within a municipal 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 case of place to be newly opened, one month before the opening of the same, apply to the Secretary for a licence.

(2) The Secretary may, by order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

35[(3) Every person to whom a licence has been issued under sub-section (2) shall maintain the slaughter house in a hygienic manner and make necessary arrangements for the disposal of waste, failing which, the Secretary shall cancel the said licence forthwith.]

454.SLAUGHTEROFANIMALSDURINGFESTIVALSANDCEREMONIES.— The Secretary may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies as a special measure.

455.SLAUGHTEROFANIMALSANDSKINNINGORCUTTINGCARCASSES.— (1) No person shall slaughter within a municipal area except in a public or licensed slaughter house any cattle, sheep, goat or pig for sale as food without or otherwise than in conformity with a licence from the Secretary. But no sale of meat as food, prepared after slaughtering, shall be made unless it is subjected to the inspection at the spot where slaughter was done by the officers prescribed.

(2) No person shall skin or cut up any carcass without or otherwise than in conformity with a licence from the Secretary or dry or permit to be dried any skin in such manner as to cause a nuisance.

THE MILK TRADE

456.REGULATIONOFMILKTRADE.— (1) No person shall without or otherwise than in conformity with a licence from the Secretary-

(a)carry on within a municipal area the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(b) use any place in a municipal area for the sale of milk or dairy produce; Provided that no such licence shall be granted to any person who is suffering from a dangerous disease. [34] [35]

34.Sub-section (3) added by Act 14 of 1999. w.e.f. 24-3-1999 35,Sub-section (3) added by Act 14 of 1999. w.e.f. 24-3-1999

(2)The licence under sub-section f 1) may be granted on such conditions as the Secretary may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, within the municipal area where the animals from which the milk supply is derived are kept or for reasons to be recorded in writing be refused.

MARKETS, BUTCHERS, FISHMONGERS AND HAWKERS

457.PUBLICMARKET. — All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets and such markets shall be open to all members of the public.

458.POWERSINRESPECTOFPUBLICMARKETS. — (1) A Municipality may provide places for use as public markets.

(2)The Municipality may, in any public market, levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such persons as may appear to it proper or may farm out collection of such fees for any period not exceeding three years at a time and on such terms and subject to such conditions as it may deem fit-

(a) fees for the use of or for the right to expose goods for sale in such markets, (b) fees

for the use of shops, stalls, pans or sands in such markets,

[36][(c) fees on goods for sale brought to such markets on vehicles or pack animals or by head load;]

(d)fees on animals brought for sale into or sold in such markets, and

(e)licence fees on brokers, commission agents, weighmen and measures practising their calling in such markets.

(3)The Municipality may, with the sanction of the Government close any public market or part thereof.

459. CONTROLOF SECRETARYOVERPUBLICMARKETS.— (1) No person shall, without the permission of the Secretary or, if the collection of fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) The Secretary may expel from any public market any person who or whose servant has been convicted for disobeying any bye-law, for the time being in force in such market and may prevent such person from further carrying on by himself or his servants or agents any trade or business in such market or occupying any shop, stall, or other place therein and may determine any lease or tenure which such person may posses in any such shop, stall or place.

460.LICENCEFORPRIVATEMARKETS.— (1) No person shall open a new private market or continue to keep open a private market except on a licence from the Municipality.

(2) Application for a licence under sub-section (1) shall be made by the owner of the place in respect of which the licence is sought to be renewed, not less than six weeks before the expiry of the period for which the licence has been granted and in the case of a new market, six weeks before the date on which the market is proposed to be opened. [36]

36.Clause (c) substituted by Act 14 of1999, w.e.f 24-3-1999.

(3)The Municipality shall, as regards private markets already established and may, at its direction as regards new private markets grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market as it may think proper or it may, for reasons to be recorded in writing, refuse to grant any such licence for any new private market. The Municipality may, however at any time, modify the conditions of a licence to take effect from any specified date or suspend or cancel any licence for breach of any conditions thereof.

(4)Where a licence is granted, refused, modified, suspended or cancelled under this section, the Municipality shall cause a notice of such grant, refusal, modification, suspension or cancellation in English and the language of the locality to be pasted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained

(5)Every licence granted under this section shall expire at the end of the year in which it is granted,

[37] **[EXPLANATION.**— For the purpose of his section private market includes also a shopping complex having more than six shop rooms.]

461.FEESFORLICENCE.— Where a licence granted under section 460 permits the levy of any fees of the nature specified in sub-section (2) of section 4,58, a fee not exceeding 33 V3per cent of the gross income of the owner from the market in the preceding year shall be charged by a Municipality for such licence;

Provided that-

(i)in the case of a market which was in existence only for a portion of the preceding year, the gross income of the owner from the market for the preceding years shall be deemed to be an amount which bears to the income of the portion of the year the same proportion as the whole year bears to the portion of the preceding year during which the market was in existence.

(ii)in the case of a new market, the licence fees fixed by a Municipality shall not be less than-

(a)fifty rupees where the area of the market is not more than ten ares;

(b)hundred rupees where the area of the market is above ten ares, but not more than twenty ares;

(c)one hundred and fifty rupees where the area of the market is above twenty ares.

462.SALEINUNLICENSEDPRIVATEMARKETS.— No person shall sell or expose for sale any animal or article in any unlicensed private market.

463.POWEROF MUNICIPALITYINRESPECTOFPRIVATEMARKET.— A Municipality may, by notice, require the owner, occupier or farmer of any private market to-

(a) Construct approaches, entrances, passages gates, drains and cess pits or such market and provide it with latrines of such description and in such position and number as the Municipality may think fit.

(b)roof and pave the whole or any portion of it or pave any portion of the floor with such materials as will in the opinion of the Municipality secure imperviousness and ready cleansing; 37

37.Explanation added by Act 14 of 1999, w.e.f. 24-3-1999.

(c) ventilate it properly and provide it with supply of water

(d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the markets as the Municipality may direct; and

(e)keep it in cleanly and proper state and remove all filth and refuse therfrom.

464.Suspension or refusal of licence in default.— (1} Where any person after notice given to him in that behalf by the Municipality fails within the period and in the manner specified in the said notice to carry out any of the works specified in section 463, the Municipality may suspend the licence of the said person or may refuse to grant to him a licence, until such works have been completed.

(2)No person shall open or keep open any such market after suspension or refusal of the licence.

465.PROHIBITIONOFNUISANCEINPRIVATEMARKET.— No owner, occupier agent or manager in charge of any private market or of any shop, stall, shed or other place therein shall keep the same so as to cause a nuisance or shall fail to cause anything that is a nuisance to be at once removed to a place to be specified by the Municipality.

466.POWERTOCLOSEPRIVATEMARKET.— The Secretary or any officer duly authorised by him in that behalf may close any private market in respect of which no licence has been applied for or the licence for which has been refused, withheld or suspended or which is held or kept open contrary to the provision of this Act.

467.Acquisition of rights of private persons to hold private markets.—(1) A Municipality may acquire the right of any person to hold a private market in any place and to levy fee therein and where the right to hold the market is acquired during the currency of a licence issued to such person, he shall be paid compensation for the unexpired period of the licence calculated on the basis of the profit he would have derived from the market, had his right to hold the market been not acquired.

(2) On such acquisition under sub-section (1), the rights of the person to hold the private market and to levy fees therein shall vest in the Municipality,

468.DUTYOFEXPELLINGPERSONSSUFFERINGFROMINFECTIOUSDISEASESETC., FROM MARKETANDPOWERTOEXPELDISTURBERS.— The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for the sale therein and may expel therefrom any person who is creating disturbance therein.

469. BUTCHER'SFISHMONGER'SANDPOULTERER'S LICENCE.— (1) No person shall without or otherwise than in conformity with a licence from a Municipality 38 39[carry on the occupation of butcher, fishmonger or poulterer] or use any place for the sale of flesh or fish intended for human food in any place within a Municipal area:

Provided that no licence shall be required for a place used for the selling or storing for sale of - [19] [preserved fish or flesh kept in airtight and scaled containers].

(2) The Secretary may, by order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

38.Substituted for the words by Act 14 of1999, w.e.f. 2431999 39.Substituted for the words byAct 14 of1999, w.e.f. 24-31999

(3) No person shall exhibit or expose to public view for sale or otherwise, the carcasses or animal or bird (whether dressed or not) in any licensed premises or in any other place in such a manner as to cause annoyance or offence to the sense of sight of public.

(4)Every licence granted under sub-section (2) shall, unless an earlier date is specified therein, expire at the end of the year in which it is granted.

470.Power to prohibit or regulate the sale of articles in public streets.—(1) The Municipality may, prohibit, by public notice, or regulate by licence or otherwise the sale or exposure for sale, of any animals or articles in or on any public street or part thereof.

(2)Where any person exposes for sale any animal or articles in any public street or part thereof in contravention of any public notice issued under sub-section (1) or of the restrictions and conditions of a licence granted thereunder or of any regulation under the said sub-section, the Secretary may, without prejudice to any other action that may be taken against him under this Act, cause to be removed -

(a) such animal or articles, and

(b)any vehicle, package, box or any other thing on which the articles referred to in clause (a) is placed.

(3)Any animal caused to be removed by the Secretary under sub-section (2) may, notwithstanding that such animal is not a cattle as defined in the Kerala Cattle Trespass Act, 1961 (26 of 1961), be impounded and dealt with under the provisions of that Act.

(4)Any article, vehicle, package, box, or any other thing caused to be removed by the Secretary under sub-section (2) shall, unless the owner thereof turns upto take back such article, vehicle, package, box or other thing and pays to the Secretary the charges for the removal and storage thereof, be disposed of by the Secretary by public auction or in such other manner and within such time as the Secretary thinks fit.

(5) The charges for the removal and storage of the article, vehicle, package, box or other thing sold under sub-section (4) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the article, vehicle, package, box or other thing sold, on a claim being made thereof within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the municipal fund.

471. Decision on disputes as to whether places are markets.— Where any question arises as to whether any place within a Municipal area where person assemble for the sale or purchase of article of food or clothing or livestock or poultry, or coconut or palmyra product or other industrial crops or of any other raw or manufactured products is a market or not, the Municipality shall make a reference to the Government and the decision of the Government on the question shall be final.

CART STANDS

472. Provision of public cart stands etc.— (1) A Municipality may, subject to such [41][guidelines] as the Government may issue in this behalf, construct or provide public landing places, halting places and cart stands and may levy fees for the use of the same.

(2) The Municipality may-

(a) place the collection of any such fees under the management of such person as may appear to it to be proper; or

41.Substituted for the words "directions" by Act 14 of1999. w.e.f. 24-3-1999. 42.Substitutedfor the words by Act 14 of1999, w.e.f. 24-3-1999.

(b)farm out the collection of any such fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3)A statement in English and the language of the locality, showing the fees fixed by the Municipality for the use of such place, shall be put up in a conspicuous part thereof.

Explanation.— A cart stand shall, for the purposes of this Act, include a [42][bus stand, taxi stand, autorickshaw stand, lorry stand and stand for other vehicles arid for animals" shall be substituted.]

473. PROHIBITIONOFUSEOFPUBLICPLACEORSIDESOFPUBLICSTREETSASCART STANDETC.— Where a Municipality has provided a public landing place, halting place or cart stand, the Secretary may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the Municipality of any public place or the sides of any public street, and may in addition to the penalty imposed by or under this Act seize and detain any cart, carriage or vessel plying in disobedience of such prohibition and may release it after obtaining satisfactory guarantee for the due observance of such prohibition.

474.RECOVERYOFCARTSTANDFEESETC.— (1) Where the fee leviable under sub-section(l) of section 472 in respect of a vehicle or animal is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such vehicle or animal as well, in his opinion, suffice to defray the amount due or in the absence of any such appurtenances or load or in the event of the value being insufficient to defray the amount due, may seize and detain the vehicle or animal.

(2)Any property seized under sub-section (1) shall be sent within twenty four hours to the Secretary or to such person as he may authorise to receive and sell such property and the Secretary or such person shall forthwith give notice to the proprietor of the property seized or, where the proprietor is not known or is not a resident of the municipal area, to the person who was in charge of the said property at the time when it was seized or, where such person cannot be found, publish, in such manner as may be prescribed, that after the expiry of two days, excluding Sunday if any, from the date of service or publication of such notice, the property will be sold by auction at a place to be specified in the notice.

(3)Where at any time before the sale has begun, the amount due on account of the fee, together with such sum as may be fixed by the Secretary or the person authorised under sub section (1), towards expenses incurred in connection with the seizure and detention, is tendered to the Secretary or such person, the property seized shall forthwith be released.

(4)Where no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of-

(1)the amount due on account of the fee;

(ii)such penalty not exceeding the amount of the fee as the Secretary may direct; and

(iii)the expenses incurred in connection with the seizure, detention and sale.

(5) The balance of the sale proceeds, if any, shall be kept as a deposit for a period of one year from the date of sale and if not claimed within that period shall be credited to the municipal fund.

475. LICENCEFORPRIVATECART-STAND.— (1) No person shall open a new private cart- stand or continue to keep open a private cart-stand without a licence from the Municipality.

(2)An application for a licence under sub-section (1) shall be made by the owner of the place in respect of which the licence is sought, no less than six weeks before such place is proposed to be opened as a cart-stand.

(3)The Municipality 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 such regulations as to supervision and inspection and to such conditions as to conservancy as it may think proper, or it may, for reasons to be recorded in writing, refuse to grant any such licence for any new private cart-stand. The Municipality may, however, at any time modify the conditions of a licence to take effect from any specified date or suspend or cancel any licence granted under this section for breach of the conditions thereof.

(4)Where a licence is granted, refused, modified, suspended or cancelled under this section, the Municipality shall cause a notice of such grant, refusal, modification, suspension or cancellation in English and the language of the locality, to be pasted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5)The Municipality may levy for every licence granted under this section a fee not exceeding [43] [three thousand rupees! per annum.

(6)Every licence granted under this section shall expire at the end of the year in which it is granted.

INSPECTION OF PLACES WHERE SALE, ETC., Is CARRIED ON

476.DUTYOF SECRETARYTOINSPECT.— The Secretary shall make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale.

477.POWEROF SECRETARYFORPURPOSESOFINSPECTION.— (1) The Secretary or any person authorised by him in writing for the purpose may, without notice, enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being

manufactured or exposed for sale at any time by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) Where the Secretary or any person authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcasses, is being skinned or cut up, or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without or otherwise than in conformity with a licence, he may enter any such place without, notice, at any time, by day or night for the purpose of satisfying himself whether any provision of laws, byelaws or regulations or any condition of a licence is being contravened.

(3)No claim shall lie against the Secretary or any person acting under his authority or the Municipality for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(4)In any legal proceeding in respect of the powers exercised under this section in which it is alleged that any animal, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

478.PREVENTINGINSPECTIONBY SECRETARY,— No person shall, in any manner whatsoever, prevent the Secretary or any person authorised by him from exercising the powers under section 477.

43. Substituted for the words "three hundred rupees" by Act 14 of 1999, w.e.f. 24-3-1999.

479. POWEROF SECRETARYTOSEIZEdisc-eased **ANIMAL, NOXIOUSFOOD, ETC.**— Where any animal, poultry or fish intended for food appears to the Secretary or to the person authorised by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing such articles appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure such animal, article of food, utensil or vessel, in order that same may be dealt with as hereinafter provided,

Explanation.— Meat subject to the process of blowing shall be deemed to be noxious,

480.REMOVINGORINTERFERINGWITHARTICLESSEIZED.— No person shall remove or in any way interfere with an animal or article secured under section 479.

481.POWERTODESTROYARTICLES.— (1) Where any animal or article of food is seized under section 479, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent it being used for human food or exposed for sale, and where the article is perishable, without such consent.

(2) Any expenses incurred in destroying any animal or article under sub-section (1) shall be paid by the owner thereof or person in whose possession it was at the time of its seizure.

482.PRODUCTIONOFARTICLESEIZEDBEFORE MAGISTRATEANDPOWEROF MAGISTRATETO DEALWITHTHEM.— (1) Articles of food, animals, poultry, fish, utensils or vessels seized from a Municipal area under section 479 and not destroyed under section 481 shall, as soon as possible, be produced before a Magistrate of the First Class having jurisdiction in that area.

(2) Where the Magistrate, whether on a complaint or otherwise, on taking such evidence as he considers necessary, is of opinion that any such animal, poultry or fish is diseased or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 479, he may order the same -

(a)to be forfeited to the Municipality;

(b)to be destroyed at the expense of the owner thereof or persons in whose possession it was at the time of seizure, in such manner as to, prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid.

DISPOSAL OF DEAD

483. Registration or closing of ownerless places for disposal of the dead.— (1) Every owner or person having control of any place used at the commencement of this Act as a place for burial, burning, or otherwise disposing, of the dead, shall, where such place is not already registered, apply to the Municipality to have such place registered.

(2) Where it appears to the Municipality that there is no owner or person having control of such place, it shall assume such control and register such place or may, with the sanction of the Government, close it.

484. Licensing of places for disposal of the dead.— (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed or used except on a licence from the Municipality.

(2) An application for a licence under sub-section(l) shall be accompanied by apian of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Municipality may require.

[44][(3) On receipt of an application under sub-section (2) the Secretary shall,—

(a) Send the application to the Municipal Health Officer where the Municipality has appointed a Municipal Health Officer, and in other cases, to the District Medical Officer of the Health Department having jurisdiction over the area and to the concerned District Collector for their opinion on the application; and

.(b) publish a public notice inviting objections and suggestions, if any regarding the application.)

(4)The Municipality, [45][after considering the views of the officers under sub-section (3) and all other objections and directions received before the date specified in the notice], may-fa) grant or refuse to grant a licence; or

(b) postpone the grant of a licence, until objections to the site have been removed or any particulars called for by it having been furnished.

485.PROVISIONOFBURIALANDBURNINGGROUNDSANDCREMATORIAWITHINORWITHOUT MUNICIPALAREA.— [46][(1) Every Municipality shall, where there is no necessary land or arrangement to be used as burial or burning grounds or crematoria, arrange land to be used as burial or burning grounds or crematoria within or outside the limits of the Municipal area, by meeting the expense from the Municipal fund, in accordance with the provisions of Section 484 and may charge rent and fees for the use thereof:

Provided that in providing burial or burning grounds or crematoria outside the limits of the Municipal area, the opinion of the District Medical Officer also shall be sought and the prior permission of the Local Self Government Institution, within the area of which it is intended to be provided, shall be obtained.]

(2)The Municipality 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.

(3)Where the Municipality provides any such place without the limits of its municipal area, all the provisions of this Act and all bye-laws framed thereunder for the management of such places within the municipal area shall apply to such place.

[47]**[485A. Burial and burning grounds to be at distant places from residential buildings.—**No Municipality shall grant a licence under Section 484 for using any place as crematoria for burial or burning of dead bodies within a distance of fifty metres from residential buildings or utilise for such purposes under Section 485:

Provided that in the case of a concrete vault such distance shall not be less than twenty-five metres.]

486.REGISTEROFREGISTERED, LICENSEDANDPROVIDEDPLACESANDPROHIBITIONOFUSEOF OTHERPLACES.— (1) A register shall be kept at the office of the Municipality in which the places registered, licensed, or provided under sections 483, 484 and 485 and all such places registered, licensed or provided before the commencement of this Act shall be recorded, and the plans of such places shall be filed in such office.

(2)A notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in the language of the locality to some conspicuous places at or near the entrance to the burial ground or other place as aforesaid.

(3)No person shall bury, burn or otherwise dispose of any corpses except in a place which has been registered, licensed or provided as aforesaid:

44.Sub-section (3) substituted by Act 14 of 1999,w.e.f24-3-1999.

45.Substitued for the words by Act 14 of 1999,w.e.f24-3-1999.

46.Subsection(1) substituted by Act 14 of 1999 w.e.f24-3-1999

47. Section 485A inserted by Act 14 of 1999, w.e.f24-3-1999

Provided however that the Secretary may permit any burial or burning in private ground in individual cases.

[48][Provided further that the Secretary shall not give any permission without considering the objections, if any, received from any owner of the land adjacent to the land where the burial or burning is intended to be done or from any other neighbours.]

487.REPORTOFBURIALSANDBURNINGS.— The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of the corpse at such places to any person appointed by the Secretary in that behalf.

488.Prohibition of the use of burial and burning grounds which are harmful to health or are overcrowded with graves.— (1) Where a Municipality is satisfied that—

(a)any registered or licensed place for the disposal of the dead is in such a state or situation as to be or likely to become harmfull to the health of persons living in the neighbourhood thereof; or

(b)any burial ground is overcrowded with graves and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may, with the previous sanction of the Government, give notice that it shall not be lawful after a period to be specified in such notice to bury, burn or otherwise dispose of any corpse at such place.

(2)Every notice given under sub-section (1) shall be published in the Gazette and in such other manner as may be prescribed.

(3)After the expiry of the period specified in such notice no person shall bury, burn or otherwise dispose of a corpse at such place.

489.Prohibition in respect of corpses.— (1) 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 manner that the surface of the coffin or the surface of the body where no coffin is used, is not less than two metres deep 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 not less than one metre, from the margin of any other existing grave; or

(c)without the sanction in writing of the Secretary or an order in writing of a Magistrate, of competent jurisdiction, reopen a grave already occupied; or

(d)convey or cause to be conveyed a corpse or part thereof to a burial or burning ground and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g)while carrying a corpse or part thereof within the municipal area leave the same in or near any street for any purpose whatever; or

(h)remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

490.[48][x x x x]

48. Proviso added by Act 14 of 1999, w.e.f. 24-3-1999.

491.DISPOSALOFUNCLAIMEDDEADBODIES.— Notwithstanding anything contained in any other law or direction for the time being in force the Secretary shall arrange for the disposal of unclaimed dead bodies found within his jurisdiction and may incur the expenditure therefore:

Provided that before taking any action under this section clearance from the Police shall be obtained.

492.GENERALPROVISIONSREGARDINGLICENCESANDPERMISSIONS.— (1) Every licence and permission granted under this Act or any rule or bye-law made thereunder shall specify the period, if any, for which, and the restrictions, limitations and conditions, subject to which, the same is granted and shall be signed by the Secretary.

(2)Every licence issued by the Secretary shall specify the person to whom, the premises in respect of which, and the trade or business or undertaking for which the licence is granted and for any change in the person, the premises or the business, trade, or undertaking, a fresh licence or permission shall betaken with or without payment of further fee as the Municipality
may fix.

(3)Where any person intending to obtain a licence or permission for the first time and where the applicant is a person other than the owner of the premises in question, he shall, along with the application produce the written consent of the owner of the premises and the period of the licence shall not exceed the period, if any, specified in the consent.

(4)Where the applicant seeking renewal of a licence or permission in respect of the trade or business licensed in the premises mentioned in sub-section (3) is a person different from the original licensee or not the legal heir of the original license the consent of the owner shall be required.

(5) Save as otherwise expressly provided by or 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 Municipality with due regard to

the expenditure to be incurred for rendering service to the trade and for regulation of the trade for which the licence or permission is granted.

(6)The Municipality may-

(a)place the collection of such fees under management of such person as may appear to it proper; or

(b)farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(7)Every order of a Municipality refusing to grant or suspending, revoking or modifying a licence or permission shall be published on the notice board of the Municipality.

(8)Every order of a Municipality refusing to grant, or suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(9)Subject to the provisions in this Chapter and regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Act or any rule or bye-law made thereunder, 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 any of the provisions of this Act or of any rule, bye-law or regulation made thereunder in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

49- Section 490 omitted by Act 14 of 1999, w.e.f. 24-3-1999.

(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 also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time 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, rule, bye-law, regulations, any condition of a licence or permission or any lawful directions, regulations, or prohibition is being contravened, and no claim shall lie against any person for any damage or inconvenience caused by the exercise of powers under this sub-section by the Secretary or any person to whom he has lawfully delegated his power or by any force necessary for effecting an entrance under this sub-section.

(11)Where any licence or permission is suspended or revoked or where 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 or bye-law made thereunder 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-section (15) until the licence or permission is renewed, as the case may be.

(12)Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same when demanded by the Secretary.

(13) Where any person is convicted of an offence in respect of the failure to obtain a licence or permission or make a registration required by the provisions of this Act or any rule orbye-law made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Municipality the amount of the fee chargeable for the licence or permission or registration and, may in his discretion also recover summarily and pay over to the Municipality such amount, if any, as he may fix as the costs of the prosecution.

(14) Recovery of the fee under sub-section (13) shall not entitle the person convicted to a licence or permission or to registration under this Act.

(15) The acceptance by the Municipality of the prepayment of the fee for a licence or permission or for registration shall not entitle the person making such prepayment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed, and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by the Secretary, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application, and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

CHAPTER XXI

VITAL STATISTICS AND THE PREVENTION OF DISEASE

VITAL STATISTICS

[50][**493. COMPULSORYREGISTRATIONOFBIRTHSANDDEATHS.**— Every Municipality shall register all births and deaths occurring in the Municipal area under the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) and the rules made thereunder and make the registration compulsory.]

50. Section 493 substituted by Ac! 14 of 1999, w.e.f. 24-3-1999.

Dangerous Diseases

494. OBLIGATIONOFMEDICALPRACTITIONERORROWNERORROCCUPIEROFHOUSETOREPORT DANGEROUSDISEASE.— (1) Where any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the municipal area, he shall inform the Secretary with the least practicable delay.

(2)The information shall be communicated in such form and with such details as the Secretary may require. [51]| x x x x]

(3)The Secretary may direct the compulsory communication of information by the owner or occupier of every house within the municipal area during such period to such officer as the Secretary may specify, of all details from or occurrence of, dangerous diseases in his house.

Explanation.— In this section, medical practitioner shall include a practitioner in ayurveda medicine, sidha medicine, unani, tibbi medicine or homoeopathic medicine.

495. POWEROFENTRYINTOSUSPECTEDPLACES.— The Secretary or the health officer may, at any time, by day or by night and without notice, if it appears reasonable to him inspect any place in which any dangerous disease is reported or suspected to exist and take such measures as he may think fit to prevent the spread of such disease beyond such place.

496.DISINFECTIONOFBUILDINGSANDARTICLES.— (I) Where the Secretary or the health officer is of opinion that the cleansing or disinfection of any premises or part thereof, or of any article therein is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may, by notice require the occupier to cleanse or disinfect the same in the manner and within the time as may be specified in such notice.

(2)Where the Secretary or the health officer considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the Secretary or the health officer may, without notice cause the premises or the articles to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises, and the expenses incurred by the Secretary or the health officer shall be recoverable from the said occupier in cases in which he was in the opinion of the Secretary or health officer not unable by reason of poverty to effectually comply with such requisition.

497.Provision of places for disinfection and power to destroy infected articles.—
(1)The Secretary shall from time to time notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2)The Secretary may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

(3)No person shall wash such clothing or bedding or other articles in any place other than those set apart for such purpose under sub-section (1).

498. PROHIBITIONOFTRANSFEROFINFECTEDARTICLES.— No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of any article which he knows or has reason to believe has been exposed to infection from any dangerous disease:

51. The words omitted by Act 14 of 1999, w.e.f. 24-3-1999.

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

499.Power of Municipality to prohibit use of water likely to spread infection.—
Where the health officer or local medical officer certifies that the water in any well, tank or other places within a municipal area, if used for drinking is likely to endanger or cause the spread of any dangerous disease, the Municipality may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period mentioned in the notice.

500. SECRETARYMAYORDERREMOVALOFPATIENTSTOHOSPITAL.— Where a hospital or other place for the reception of persons suffering from dangerous diseases is provided by a Municipality, the Secretary may, on a certificate signed by a qualified medical practitioner, arrange for, or direct the removal to such hospital or place of any person suffering from a dangerous disease who is, in the opinion of such practitioner, without proper lodging or accommodation, or without, medical supervision for prevention of the spread of the disease, or who is in a place occupied by more than one family.

501. PROHIBITIONOFINFECTEDPERSONCARRYINGONOCCUPATION.— Where any person knows or has been certified by the health officer, the local medical officer, or a qualified medical practitioner that he is suffering from a dangerous disease, he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.

502. PROHIBITIONOFDISEASEDPERSONENTERINGPUBLICCONVEYANCE.— (1) No person who is suffering from any dangerous disease shall, without taking proper precautions against spreading such disease, cause or suffer himself to be conveyed in a public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously informing to the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner, driver, or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering from any dangerous disease in contravention of sub-section (1).

(4) No owner, driver or person in charge of a public conveyance shall be bound to convey any person suffering from any dangerous disease unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred for disinfecting such conveyance.

(5) A court convicting any person for contravening sub-section (1) or sub-section (2) may levy, in addition to the penalty for the offence provided in this Act an additional fine of such amount as the court may deem sufficient to cover the loss and costs which the owner or driver incurred for the purpose of disinfecting the conveyance and the amount of such additional fine imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that if such additional fine is imposed in a case which is subject to appeal, the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed, or if an appeal is presented, before decision in the appeal.

(6)At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

503.LETTINGOFINFECTEDBUILDINGS.— No person shall let or sub-let or for that purpose allow any person to enter a building or any part thereof in which he knows or has reason to believe that a person has been suffering from any dangerous disease until the health officer has granted a certificate that such a building may be reoccupied.

Explanation.— For the purpose of this section the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

504.POWERTOORDERCLOSUREOFPLACESOFPUBLICENTERTAINMENT.— In the event of the prevalence of any dangerous disease within a municipal area the Municipality may, by notice, require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as it may fix.

505.MINORSUFFERINGFROMDANGEROUSDISEASENOTTOATTENDSCHOOL.— No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer or the local medical officer, that the minor is not to be sent to school or college, permit such minor to attend school or *college* without having procured from the *health officer,* the local medical officer or a qualified medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others and no fee shall be charged by the health officer or the local medical officer for the grant of such a certificate.

CHAPTER XXII

REGISTRATION OF TUTORIAL INSTITUTIONS

506. Definitions.— In this chapter,-

(a) "recognised school" means a private unaided school recognised by the Government under the provisions in the Kerala Education Act, 1958 (6 of 1959) or the rules framed thereunder.

(b) "tutorial institution" means an unrecognised institution (by whatever name called) having not less than ten students established or run by a person or persons 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 other State Governments or Universities or the Central Government or any law for the time being in force but does not include, a recognised school or college affiliated to any University in the State.

507. REGISTRATIONOF TUTORIAL INSTITUTIONS.— (1) On or after the commencement of this Act, no tutorial institution shall be established within a Municipal area without prior registration obtained from that Municipality:

Provided that on the case of an existing tutorial institution in a Municipal area on the date of this Act has come into force, if an application is filed under sub-section (2) for registration within [52][the period prescribed], it shall be deemed that such institution is registered under this Act.

(2) Every application filed for registration or for renewal of registration of a tutorial institution shall contain such details and shall be accompanied by such fees prescribed.

508. Penalty for establishing or maintaining unregistered tutorial institutions.— Any person who establishes or maintains a tutorial institution, without obtaining the registration, in contravention of the provisions of this Act shall on conviction be punished with fine which may extend to one thousand rupees.

CHAPTER XXTTT APPEALS AND REVISION

[53] **[509. APPEALANDREVISION**— (I) An appeal may be preferred to the Council against any notice issued or any order passed or action taken by the Chairperson or the Secretary under any of the provisions of this Act other than Sections 390, 391, 395, 406 and 408 or the rules or bye-laws or regulations made thereunder.

(2)An appeal against any notice or order of the Secretary on the leavy of tax, may be preferred to the Standing Committee for Finance in the case of Town Panchayat or Municipal Council and to the Standing Committee for appeals on taxation in the case of Municipal Corporation.

(3) Pending decision on an appeal filed under sub-section (1) the Chairperson may, if an application is made, stay the operation of the notice, order or other proceedings on which the appeal is based.

(4)Every case in which an order has been passed under sub-section (3) shall be reported to the Council at its next ordinary meeting or at its next meeting along with the reasons in full for passing such order by the Chairperson and the Council shall either ratify the said order with or without modification or revoke failing which it shall lapse.

(5) An appeal under sub-secion (1) or sub-section (2) shall be filed within thirty days from the date of receipt of the order and dispose of the same by the Council or the Standing Committee, as the case may be, in the manner as it deems fit, within sixty days from the date of its receipt.

(6)Any person may file an appeal against any notice issued or any order passed by the Secretary under Sections 390, 391, 395, 406 and 408 to the Tribunal Constituted for the Local Self Government Institutions under Section 271 S of the Kerala Panchayat Raj Act, 1996 (13 of 1994), within thirty days from the date of passing of such order.

(7) An appeal may be preferred to the Tribunal, against any decision passed by the Council or any order or notice issued by the Chairperson or Secretary on the basis of such decision or any matter provided in Sections 310 to 508 other than Sections 390, 391, 395,406 and 408 or the rules, bye-laws or regulations made thereunder, within thirty days from the date of passing of such decisions, order or notice.

(8)Any person may prefer a revision petition to the tribunal within thirty days against the decision in an appeal filed before the Council or Standing Committee, as the case may be, under sub-section (1) or sub-section (2), or against any order or notice issued by the Chairperson or Secretary on the basis of such decision.

(9) The Tribunal shall, as soon as possible, pass appropriate order on an appeal or revision petition filed before it and the order so passed shall be final.

(10)The Tribunal may, during the pendency of an appeal or revision petition before it, direct the Council or the Secretary to stay all further proceedings on the said subject, if it deems necessary.

(11)No appeal or revision shall be filed against the levy of tax, if he tax shown in the demand notice has not been paid.

(12)Notwithstanding anything contained in this section all appeals and revisions filed and pending before any authority before the date of commencement of the Tribunal shall be handed over by such authority to the Tribunal.] [52]

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510.**LIMITATIONOFTIMEFORAPPEAL.**— Where in any case in which no time limit for presentation of an appeal has been provided under this Act such appeal shall subject to the

provisions of section *5* of the Limitation Act, 1963 (Central Act 36 of 1963) be presented-

(a) Where the appeal is against an order granting a licence or permission, within thirty days

after the date of the publication of the order on the notice board of the office of the Municipality; and (b)in other cases, within thirty days after the date of the receipt of the order or proceedings against which the appeal is made.

CHAPTER XXIV
PENALTIES

511. **General provisions regarding penalties specified in the Schedule.—(I)** Whoever-

(a)contravenes any provision of this Act or the sections specified in column (l)of the Fourth Schedule: or

(b)contravenes any order made under any section specified in the said schedule; or rule thereunder;

(c)fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules, shall, on conviction, be punished with fine which may extend to the amount specified against each item [53A][in column (4) of the Fourth Schedule]:

Provided that in all cases falling under sub-section (1) the court shall, taking into account the nature and circumstances of each case, order in addition to a sentence of fine, compliance with the direction or requisition made or issued under this Act or the rules made thereunder within such time as may be specified in such order.

(2)Whoever, after having been convicted of-

(a)contravening any provision of this Act or the sections specified in column (1) of the Fourth Schedule; or

(b)contravening any order under any section specified in the said Schedule or rule thereunder; 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 sections or rule, continues to contravene the provisions of the said sections, rules or orders or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction, be punished for each day during which the offence, continues, with fine which may extend to the amount specified against each item in column (4) of the Fifth Schedule:

Provided that in all cases falling under sub-section (2), the Court shall, in addition to a sentence of fine, order simple imprisonment of the offender or defaulter till the order of direction is, or caused to be, complied with.

Explanation.— The entries in column (3) of the Fourth Schedule and the Fifth Schedule headed subjects are not intended as definitions of the offences described in the sections, subsections, or clauses, mentioned in columns (1) and (2) or even as abstracts of these sections, sub-sections, or clauses, but are inserted merely as reference to the subject of the sections, sub-sections or clauses, as the case may be.

53A.Substituted for the by Act 14 of1999, w.e.f. 24-3-1999.

512.**PENALTYFORACTINGAS COUNCILLOR, CHAIRPERSONOR DEPUTY CHAIRPERSONWHEN DISQUALIFIED.**— (1) Whoever acts as a Councillor of a Municipality knowing that under this Act or the Rules made thereunder he is not entitled or has ceased to be entitled to hold such office shall, on conviction, be punished with fine not exceeding [54][ten thousand rupees] for such offence.

(2) Whoever acts as, or exercise the functions of the Chairperson or Deputy Chairperson of a Municipality knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding -[55][fifteen thousand rupees] for such offence.

(3)Where the Chairperson or Deputy Chairperson of a Municipality refuses to hand over charge of his office or any documents of or any moneys or other properties vested in, or belonging to the Municipality which are in or has come into his possession or control, to his successor in office or other prescribed authority as soon as his term of office as Chairperson or Deputy Chairperson expires and in the case of the Deputy Chairperson also on demand by the Chairperson, such Chairperson or Deputy Chairperson shall, on conviction be punished with fine not exceeding [56][ten thousand rupees] for such offence.

513.**PENALTYFORACQUISITIONBYOFFICEROF MUNICIPALITYOFINTERESTINCONTRACTOR WORK.**— Where any officer or servant of a Municipality knowingly acquires directly or indirectly by himself or by a partner or employer or servant, any personal share or interest in any contract or employment with, by or on behalf of the Municipality he shall be deemed to have committed an offence under section 168 of the Indian Penal Code, 1860 (Central Act 45 of 1860):

Provided that no person shall, by reason of being a shareholder in or member of any company, be held to be interested in any contract entered into between such company and the Municipality unless he is a director of such company:

Provided further that nothing in this section shall apply to a teacher, employed by a Municipality who, with the sanction of the Government enters into a contract with the Municipality with regard to the utilisation, for the purpose of a school, of any land or building owned by him or in which he has share or interest.

514. **PENALTYFOROMISSIONTOTAKEOUTLICENCEFORANIMALS.**— (1) Every owner or person in charge of any animal liable to tax under section 260, who omits to obtain a licence, shall, on conviction be punished with fine not exceeding fifty rupees and shall also pay amount of the tax payable by him in respect of such animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall, receive a licence for the animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who having compounded for the payment of certain sum under section 263 fails to pay such sum, and the amount due for a licence shall, in such case, be taken as the amount so compounded for.

515.**PENALTYFORUNLAWFULBUILDING.**— 57[(1) Where the construction or reconstruction of any building or digging of any well-

(a)is commenced without the permission of the Secretary; or 54 55 56

54.Substituted for "two thousand rupees" by Act 14 of 1999, w.e.f. 4 of1999, w.e.f. 24-3-1999.

56.Substituted for "one thousand rupees" by Act 14 of1999, w.e.f,

(b)is carried on or completed otherwise than in accordance with the particulars on which such permission was 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 thereunder or of any direction or requisition lawfully given or made: or

(d)about which any, alteration or addition required by any notice issued under section 395 or section 405 is not duly made; or

(e)about which any person to whom a direction if any, given by the Secretary under section 406 fails to obey such direction,

the owner of the building or the well or such person, as the case may be, shall be liable, on conviction to a fine which may extend, in the case of a building, to 58[ten thousand rupees] and in the case of a well or hut to 58[one thousand rupees] and to a further fine which may extend, in the case of a building, to 58[one thousand rupees] and in the case of a well or hut to 5K[two hundred and fifty rupees] for each day during which the offence continued.

59[Provided that the unlawful construction, reconstruction or digging of well carried out by a person may be regularised under sub-section d) of Section 406 and he shall not be punished if so regularised by the Secretary.];

57.Section 515 renumbered as sub-section (I) of that section by Act 14 of 1999, w.e.f. 24-3-1999.
58.Substituted for "five thousand rupees, five hundred rupees, one hundred rupees, ten rupees" respectively by Act 14 of 1999, w.e.f. 24-3-1999.
59.Proviso added by Act 14 of 1999, w.e.f. 24-3-1999.

60[(2) Where any building constructed in violation of any stipulation as to the Standards or conditions mentioned in the provisions of this Act or the rules made thereunder or any lawful directions issued, poses threat to public safety danger to human life, the owner or builder of such building shall, on conviction, be punishable with imprisonment for a term which may extend up to one year.]

516.**Wrongful restraint of Secretary and his delegates.— Every person who prevents** the Secretary or any person towhom the Secretary has delegated his powers, for entering on any land or building, from exercising his power of entering there shall be deemed to have committed an offence under Section 341 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

517.**Penalty for not giving information or giving false information.— Where any** person who is required by the provisions of this Act or the rulesmade thereunder or by any notice or other proceedings issued under this Act to furnish any information-

(a)omits to furnish it; or

(b)knowingly or negligently furnishes false information, such person shall be liable to a fine not, exceeding five hundred rupees].

62[CHAPTER XXIV A

Right to Information

517 A. DEFINITIONS.— For the purpose of this Chapter,— (a) "Information" means any material or information contained in a document relating to the administrative, developmental or regulatory functions of a Municipality and includes any document or record relating to the affairs of the Municipality;

(b) "right to information" means the right of access to information and includes the right for taking extracts or obtaining certified copy of any document;

(c)"notified document" means any document of the Municipality notified by the Government under sub-section (2) of section 5173.

517B. RIGHTTOINFORMATION.— (1) Every Person bonafide requiring any information shall have the right to Such information from the Municipality in accordance with the procedure prescribed.

(2)Notwithstanding anything contained in sub-section (1), the Government may, in the interest of general and local administration, by notification in the Gazette declare any document containing special categories of information as notified document and no person shall have the right to know the information contained in such document" and the Municipality may reject any application for such information.

(3)The Government may, by general or special order direct the Municipality to publish the categories of information specified in the Order for the general information of the residents of that Municipal area.

517C. PROCEDUREFORFURNISHINGINFORMATION.— (1) A person requiring any information from a Municipality shall make an application in that behalf to the Secretary of that Municipality in such form and manner and on payment of such fees, as may be prescribed and the Secretary or the officer authorised by the council shall furnish the information to the applicant within such period as may be prescribed unless the application is rejected or otherwise disposed of within that period.

(2) If any application for information is rejected, the reasons for such rejection shall be given in writing.

517D. PENALTYFORWITHHOLDINGINFORMATION.— (1) The Secretary or any officer of the Municipality responsible for furnishing any information under this Chapter shall be personally liable for furnishing the same within the prescribed period, unless such information is in respect of a notified document.

(2) Where such information is not furnished within the time prescribed, the officer responsible for non-supply of the information shall be punishable with a fine of rupees fifty for each day of such delay after the last day for furnishing the information and the fine so realised shall be credited to the fund of the Municipality.

(3) If the Secretary or any other officer of the Municipality responsible for furnishing the information, under this Chapter fails to furnish such information or furnishes false information on its material particulars which he knows to be false or not true or sufficient reason to believe it to be false, he shall be punishable with a fine which shall hot be less than rupees one thousand.

517E. PROTECTIONOFACTIONTAKENINGOODFAITH.— Notwithstanding anything contained in section 517D, the Secretary or the officer responsible for furnishing the information after conducting though search for a document, finds that the document concerned is not available or not traceable by reason of the expiry of the period for preservation of the document or for any other valid reason and that the information cannot, therefore, be made available, he shall inform the applicant accordingly; within the time prescribed and dispose of the application and on it no action shall lie against the Secretary or the officer.] [60] [61] [62]

60.Sub-section (2) added by Act 14 of 1999, w.e.f. 24-3-1999.

61.Substituted for the words "one hundred rupees" by Act 14 of 1999, w.e. f. 24-

62.Chapter XXIVA inserted by Act 14 of 1999, w.e.f. 24-3-1999.

CHAPTER XXV

MISCELLANEOUS

POWER TO SUMMON

518.**POWEROFPERSONSCONDUCTINGENQUIRIES.**— Every inspecting or superintending officer holding any enquiry into matters falling within the scope of their duties shall have, for the purposes of such enquiry, the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon the revenue officers by the Kerala Enquiries and Summonses Act, 1960 (4 of I960) and the provisions of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section.

519.**SUMMONSTOATTENDANDGIVEEVIDENCEORPRODUCEDOCUMENTS.**— The Secretary may summon any person to attend before him and to give evidence or produce documents as the case may be, in respect of any question relating to taxation or inspection or registration or to the grant of any licence or permission under the provisions of this Act.

520. **FORMOFNOTICESANDPERMISSIONS,**— All notices and permission given, issued or granted, as the case may be, under the provisions of this Act shall be in writing.

521. **SIGNATUREONDOCUMENTS.**— (1) Every licence, permission, notice, bill, schedule, summons or other document which is required by his Act or any rule, bye-law or regulation made thereunder to bear the signature of the Chairperson or the Secretary or of any officer of the Municipality shall be deemed to be properly signed if it bears a fascimile of the signature of the Chairperson or the Secretary or of such officer, as the case may be stamped thereon.

(2) Nothing in sub-section(l) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the Municipality.

522. **PUBLICATIONOFNOTIFICATION.**— Save as otherwise provided, every notification under this Act shall be published in the 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.

523. **PUBLICATIONOFBYE-LAWS, NOTICES, ORDERS, ETC.**— [64][(1) Every bye-law, order, notice or other document directed to be published under this Act shall, unless a different method be specified by this Act or by the Municipality, be written in or translated into the language of the locality and deposited at the office of the Municipality and a copy shall be pasted up in a conspicuous position at such office and such other places as the Council may direct and a publicity that such copy has been so pasted up and that the original is open to inspection at the off ce of the Municipality shall be made in the municipal area in such manner as the Council may direct.

[64][(2) Every bye-law, order, notice or other document referred to under sub-section (1) shall after its publication, be reported to each Ward Committee or Ward Sabha, as the case may be, in its next meeting by the Convenor.]

524. **NOTICEOFPROHIBITIONORSETTINGAPARTOFPLACES.**— Where the Municipality has set apart any place for any purpose authorised by this Act or has prohibited the doing of anything in any place, the Secretary shall, forthwith, cause to be put up a notice in English and in the language of the locality at or near such place and such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

525. **METHODOFSERVINGDOCUMENTS.**— (1) Where any notice or other document is required by this Act or any rule, bye-law, regulation or order made thereunder to be served on, or sent to, any person, the service or sending thereof may be effected-

(a)by giving or tendering the said document to such person; or

(b)if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c)if such person's address elsewhere is known to the Secretary, by sending the same to him by registered post; or

(d)if none of the means aforesaid be available, by affixing the same in some conspicuous part of such last known place of abode or business.

(2)Where the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on or send it to, one of such owners or occupiers.

(3)Where in any bill, notice, form, or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work to be executed, or anything to be provided, such period shall, in the absence of any provision to the contrary, be calculated from the date of such service or sending.

526. **RECOVERYBYOCCUPIEROFSUMLEVIABLEFROMOWNER.—** Where the occupier of any building or land makes on behalf of the owner thereof any payment for which, under this Act, the owner but not the occupier is liable, such occupier shall be entitled to recover the same from the owner or may deduct the same from the rent then or thereafter due by him to the owner.

527.OBSTRUCTIONOFOWNERBYOCCUPIER,— (1) Where the occupier of any building or land prevents the owner from carrying out any work in accordance with the provisions of this Act, the Secretary may, by order, require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he would otherwise have become liable by reason of default in executing such works.

528.EXECUTIONOFWORKBYOCCUPIERINDEFAULTOFOWNER.— Where the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made thereunder, the occupier of such building or land may, with the approval of the Secretary, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof or may deduct the amount thereof from the rent then or thereafter due by him to the owner.

529.POWEROFENTRYTOINSPECT, SURVEYOREXECUTEWORK.— The Secretary or any person authorised by him in this behalf may enter on any building or land, with or without assistants or workmen, to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing pipes or metres or to execute any other work authorised under this Act or any

rule, bye-law, regulation or order made thereunder or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Provided that-

(a) except as otherwise expressly provided under this Act, no such entry shall be made between sunset and sunrise, no dwelling house and no part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours previous notice of the intention to make such entry;

64. Section 523 renumbered by Act 14 of 1999, w.e.f. 24-3-1999.

(b) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable inmates of any apartment set apart for women to move to some part of the premises where their privacy may be preserved; and

(c)due regard shall be given, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usage of the occupants of the premises.

530.Power of entry on lands adjacent to works. — (1) The Secretary or any person authorised by him in this behalf may, with or without assistants orworkmen, enter on any land adjoining or within fifty metres of any work authorised by this Act or by any rule, bye-law, regulation or order made thereunder, for the purpose of depositing on such land any soil, gravel, stone or other materials or of obtaining access to such work or for any other purpose connected with the carrying on the work.

(2)The Secretary or the person authorised by him shall before entering on any land under sub-section (1) give the owner or occupier of such land three days previous notice of the intention to make such entry and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3)As soon as may be after the completion of the work, any material deposited on any land under sub-section (1) and remaining after the completion shall be removed and the land restored to the original condition.

(4)The Secretary shall not be bound to make, tender or deposit any payment before entering on any land under sub-section (1) but as little damage as may beshall be done, and the Secretary shall pay compensation to the owner or occupier of the landfor such entry and for any temporary or permanent damage that may result therefrom.

(5)Where such owner or occupier is dissatisfied with the amount of compensation paid to him by the Secretary, he may appeal to the Council.

65[530A. **POWERTOCALLFORINFORMATIONFROMVILLAGE OFFICERS.**— (1) The Secretary may, with the approval of the Chairperson, by an Order in writing require the concerned Village Officer of the Municipal area to furnish him with such categories of information as may be prescribed, in respect of a Village or any part thereof or any person or property therein and every such order shall be complied with by the Village Officer.

(2) Where the Village Officer fails to comply with an order issued under sub-section (1) the Secretary may report the matter to the District Collector and the District Collector .shall initiate, disciplinary action against the Village Officer and make arrangements' for furnishing the information required by the Secretary.]

531.ACTOF COUNCIL, ETC., NOTTOBEINVALID.— No Act or proceedings of the Council of a Municipality or a Standing Committee or any other Committee thereof shall be invalid merely by reason of any-

(i)defect in its constitution;

(ii)vacancy therein; or (iii) irregularity or illegality in the election of a person to, or disqualification of a person to hold or continue in, any of the offices of a Council or a Committee.

532.Consequences of failure to obtain licences, etc., or of breach of the same.

(1) Where, under this Act or any rule, bye- law or regulation made thereunder, the licence permission of the Municipality or the Secretary of registration with the Municipality is necessa for the doing of any act and where such act is done without such licence or permission registration or in a manner inconsistent with the terms of any such licence or permission-

65. Section 53UA inserted by Act 14 of 1999. w.e.f. 24-3-1999.

(a) the Secretary may, by notice, require the person doing such act to alter, remove, (as far as practicable, restore, to its original state the whole or any part of any proper!; movable or immovable, public or private affected thereby within a time to be specified in th notice; or

(b)ihc Secretary or any officer duly authorised by him may enter any building or lam where such act is done and take all such steps as may be necessary to prevent the continuanci of such act.

(2) Where the notice under sub-section (1) is not complied with, the Secretary mav seize the unlicensed article or articles kept in unlicensed premises and all the articles seized shall be disposed of in the manner provided for the disposal of articles seized under section 474;

Provided that where the articles are released, an undertaking shall be obtained from the person obtaining the release that he shall comply with the provisions relating to licence, permission or registration under this Act or any rule, bye-law or regulation made thereunder or the terms of the licence, permission or registration as the case may be.

(3)Where no penalty has been specifically provided in this Act for the doing of such act, the person so doing shall be liable, on conviction, to a fine not exceeding .....["five hundred rupees | for such offence.

(4)No claim shall lie against the Secretary or any other person authorised by him for any damage or inconvenience caused by the exercise of the power under this section or by use of force necessary for the purpose of carrying out the provisions of this section.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Secretary or any officer authorised by him in writing in this behalf may, if satisfied that immediate action is necessary, [66] [67][cause it to be closed] any trade, business or premises which is held or kept open, in respect of which a licence, permission or registration has to be obtained under the provisions of this Act or any other Act from the Municipality, but has not been so obiained or the licence, permission or registration has been refused, withheld, revoked or suspended.

533.Time for complying with order and power to enforce in case of default.—(1) Whereby any notice, requisition or order under this Act, or any rule, bye-law or regulation made thereunder, any person is required to execute any work or to take any measures or do anything, a reasonable time shall be specified in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) Where such notice, requisition or order is not complied with, within the time so specified, the Secretary may cause such work to be executed or may take any measures or do anything which may, in his opinion, is necessary for giving due effect to such notice, requisition or order.

(3) Where no penalty has been specifically provided, in this Act for failure to comply with such notice, requisition or order, such person shall, on conviction, be liable to a fine not exceeding [M][five hundred rupees] for such offence

534.RECOVERYOFEXPENSESFROMPERSONSLIABLEANDLIMITATIONOFLIABILITYOF OCCUPIER.— (1) The Secretary may, recover any reasonable expenses incurred under section 533 from the persons or anyone of such persons to whom a notice, requisition or order was addressed, and may, in executing the work or taking the measures or doing the acts under the said section utilise, any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

66. Substituted for the words "fifty rupees" by Act 14 1999. w.c.f. 24-3-1999 67. Substituted for the words "close down" by Act 14 1999, w.e.f 24-3-1999

(2)Where the person to whom a notice is given is the owner of the property in respect of which it is given, the Secretary may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof under the owner, to pay to the Municipality instead of to the owner, the rent payable by him in respect of such property, as it falls due upto the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Secretary may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3)For the purpose of deciding whether action should be taken under sub-section (2), the Secretary may require any occupier of property, to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable and such occupier shall be bound to furnish such information.

(4)The provisions of sub-section (2) shall not affect any contract between the owner and the occupier respecting the payment of any such expenses.

535.RELIEFTOAGENTS, TRUSTEES, ETC.— (1) Where any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver or of his being agent, trustee, guardian, manager or receiver for the person who would receive the rent if the property were let to a tenant would under this Act, be bound to discharge any obligation imposed by this Act or rule, bye-law, regulation or order made thereunder on the owner of the property and for the discharge of which money is required, he

shall not be bound to discharge the obligation unless he has, or but for his own improper act or default, might have had in his hands, funds belonging to the owner sufficient for the purpose.

(2)The burden of proving the facts entitling a person to relief under this section shall lie on such person.

(3)Where any person has claimed and established his right to relief under sub-section (I) the Secretary may give him notice to apply the money first received by him on behalf of or for the use of the owner to discharge such obligation and if he fails to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

536.Power of Secretary to agree to receive payment of expenses in instalments.— Instead of recovering expenses in the manner provided under section 538, the Secretary may, if he thinks fit, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of A[twelve percentage] per annum within a period of not more than five years.

537. POWEROF MUNICIPALITYTOPAYCOMPENSATION.— In any case, not otherwise expressly provided for in this Act the Secretary may, with the approval of the Council, pay compensation to any person who sustains damage by reason of the exercise by any municipal authority, officer or employee of any of the powers vested in them by this Act or any oilier law, or by any rule bye-law or regulation made thereunder.

70|Provided that no person shall be eligible for compensation under this section if he contravenes any of the provisions of this Act, rules, bye-laws or regulations and sustains damage thereby.]

538. RECOVERYOFSUMSDUEASTAXES.— (1) All costs, damages, penalties, compensation, charges, fees (other than school fees), expenses, rents, contributions and other sums which under this Act or any other law or rules or bye-laws made thereunder or under any contract made in accordance with the provisions of this Act, the rules or bye-laws thereunder are due by any person to the Municipality may, in the absence of any specific provisions in this Act for their recovery, be demanded by bill as provided in the rules and be recovered in the manner provided therein.

66.Substituted for the words "fifty rupees" by Act 14 1999, w.c.f. 24-3-1999.

(2) Notwithstanding anything contained in this Act, any sum found legally due by any person to the Municipality under the provisions of this Act, the rules or bye-laws made thereunder, if not paid on the due date shall 71[x x x x] be recovered together with *["penalty at the rate of one percent per mensum"] from the date from which it was due:

Provided that any sum due and payable in a half-year is paid in the same half-year no interest shall be realised.

539. LIMITATIONFORRECOVERYOFDUES.— (1) No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to a Municipality under this Act after the expiration of a period of three years from the date on which distraint might first have been made, suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum:

Provided that in the case of assessments made under section 282 the said period of three years shall be computed from the date on which distraint might have been made, suit instituted, or prosecution commenced, after the assessment under the said section shall have been made.

(2) Where any amount due to the Municipality has been barred by limitation under subsection (1) due to the default of not 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 officers, the amount so lost to the Municipality shall be realised with twelve per cent interest thereon from such officer or officers.

540. PROCEDUREINDEALINGWITHSURPLUSSALEPROCEEDS.— Where any property movable or immovable, is sold under the provisions of this Act and where there is a surplus after the sum due to the Municipality and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within three years from the date of the sale, be paid to him by the Secretary, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund and no suit shall lie for the recovery of any sum so credited.

541. PERSONSEMPOWEREDTOPROSECUTE.— No person shall be tried for any offence against the provisions of this Actor if any rule, bye-law or regulation made thereunder, unless a complaint is made by the police, or Secretary or by a person authorised in this behalf by the Council or the Secretary 72fwithin twelve months] of the commission of the offence. 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 Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion:

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purpose of this section, be deemed a continuing offence until the expiration of the period, if

any, for which the licence, permission or registration is required and, if no period is specified, complaint may be made at any time "[within eighteen months] from the commencement of the offence.

69. Substituted for the words "six per cent" by Act 14 1999, w.e.f. 24-3-1999.
70.Proviso added by Act 14 of1999, w.e.f. 24-3-1999.

70A. Substituted for the words "" by Act 8 1995, w.e.f. 5-8-1995.
71.The words. omitted by Act 14 of1999. w.e.f. 24-3-1999.

**. Substituted for the words " " by Sixth Amendment Act 36 of2005, w.e.f. 24-08-2005*

542. Imprisonment in default of payment and application of fines.— (1) Where am

fine or costs imposed or assessed by a Magistrate under this Act or any rule or bye-law made thereunder has not been paid, the Magistrate may, subject to the provisions of section 64 to 70 (both inclusive) of the Indian Penal Code, 1860 (Central Act 45 of 1860) order the offender to he imprisoned in default of such payment.

(2) Any fine or costs imposed or assessed by a Magistrate under sub-section (1) shall be recoverable by such Magistrate under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) as if it were a fine imposed by him and the same shall on recovery be paid to the Municipality.

543. Payment of compensation for damage to Municipal property.— (1) Where on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or any rule or bye-law made thereunder and by reason of such act or omission, damage has been caused to any property owned by or vesting in the Municipality, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) Where there is dispute in respect of the amount of compensation payable by the person under sub-section (1), the same shall, on an application made for the purpose, by the Secretary, not later than three months from the date of conviction, be determined by the court by which he was convicted of the said offence, and in default of payment of the amount of compensation so determined, the same shall be recovered under a warrant issued from the said court as if it were a fine imposed by that court on the person liable therefor.

544. INSTITUTIONOFSUITSAGAINSTMUNICIPALAUTHORITIES, OFFICERSANDOTHER EMPLOYEES.— (1) No suit shall be instituted against a Municipality or any Municipal authority or any officer or other employee of a Municipality or against any person acting under the order or direction of a Municipal Authority or any officer or employee of a Municipality in respect of any act done or purported to have been done, in pursuance of this Act or any rule, regulation or bye-law made thereunder until the expiration of two months after notice in writing to the Municipality and, in the case of such officer, employee or person, unless notice in writing has also been delivered to him in person or at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation, claimed and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered.

(2)Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction which object would be defeated by the giving of the notice or the postponement of the institution of the suit.

(3)Every such suit shall be instituted within six months after the date on which the cause of action arose or in cases of continuing injury or damage, during such continuance or within six months after the causing thereof.

(4)Where any person to whom any notice is given under sub-section (1), tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given and the defendant shall be entitled to costs as from the date of tender.

(5) Where the defendant in any such suit is the Chairperson, the Secretary, an officer or other employee of a Municipality, payment of the sum, or any part thereof, payable by him in or inconsequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made with the sanction of the Council, from the municipal fund. [72] [73]

72. Substituted for the words "within three months" by Act 14 of 1999, w.e.f. 24-3-1999.
73.Substituted for the words "within twelve months" by Act 14 of 1999, w.e.f. 24-3-1999.

545.Provision respecting institution, etc., of civil and criminal actions and obtaining of legal advice.—

The Secretary may-(a) institute, or withdraw from proceeding against any person who commits-

(i) any offence against the provisions of this Act, or the rules, bye-laws or regulation made thereunder;
(ii) any offence which affects or is likely to affect any property or interest of the Municipality, or the due

administration of this Act;

(iii)any nuisance whatsoever;

(b)compound any offence against the provision of this Act or the rules, bye-laws or regulations made thereunder which are declared compoundable by or under this Act;

(c) with the approval of the Council-

(1)institute, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the Municipality;

(ii) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Secretary;

{iii) defend any suit or other legal proceeding brought against the Municipality or against any municipal authority or officer or employee of the Municipality in respect of anything done or omitted to be done in official capacity;

(iv) compromise any claim, suit or legal proceedings brought against the Municipality or against any municipal authority, officer or employee of the Municipality in respect of anything done or omitted to be done in official capacity;

(v) institute any suit or withdraw from or compromise any suit or claim, which has iven instituted in the name of the Municipality or of the Secretary;

(d) obtain such legal advice and assistance as he may, from time to time, think necessary or expedient to obtain, or as he may be desired by the Council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or officer or employee of the Municipality.

546. Indemnity to the Government, Municipal authorities, officers and agents.— No suit shall be maintainable against the Government, any officer of the Government or any Chairperson, Secretary, officer or employee or any person acting under the direction of any Chairperson or Secretary, officer or employee of a Municipality in respect of anything in good faith done under this Act or any rule, bye-law, regulation or order made under it.

547. LIABILITYOF CHAIRPERSON, SECRETARYAND COUNCILLORSFORLOSS, WASTEOR MISAPPLICATION.— (1) Notwithstanding anything contained in section 67, the Chairperson, every Councillor and the Secretary shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in a Municipality if such loss, waste or misapplication is a direct consequence of their neglect or misconduct and a suit for compensation may be instituted against them by the Municipality or by any tax-payer of the Municipal area.

(2)Every such suit shall be instituted within three years after the date on which the cause of action arose.

548. SANCTIONFORPROSECUTIONOF CHAIRPERSON, SECRETARYOR COUNCILLOR.— Where the Chairperson, any Councillor or the Secretary of a Municipality 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 the Government.

549.ASSESSMENTETC., NOTTOBEIMPEACHED.— (1) No assessment or demand made and no charge imposed under this Act shall be impeached or affected by reason of any clerical error or any mistake in respect of the name, residence, place of business or occupation of any person or in the description of any property or thing, or in respect of the amount assessed, demanded or charged, provided the provision of this Act have been substantially complied with and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2)No suit shall be instituted in any court to recover any sum of money collected under this Act or to recover damages on account of any assessment, or collection of money so made, provided the provisions of this Act have been substantially complied with.

(3)No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed as trespasser, on account of any error, defect or want or

form in the bill, notice, schedule, form summons, notice of demand, warrant of distraint, inventory or other proceedings relating thereto if the provisions of this Act, the rules and bye-laws have been substantially complied with:

Provided that a person aggrieved by any irregularity shall be entitled to claim compensation for damage sustained by him.

550.DUTIESOFPOLICEOFFICER.— (I) It shall be the duty of every police officer-

(a)to communicate without delay to the proper officer of a Municipality any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulation made thereunder; and

(b)to assist theChairperson, the Secretary or any Officer or employee of a Municipality demanding his aidforthe exercise of any power vested in them under this Act in or anyrule, bye-law or regulation made thereunder.

(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 clause (d) of section 41 of the Kerala Police Act, 1960 (5 of 1960).

551.Power of police officer to arrest persons.— (1) Where any police officersees any personcommitting an offence against any of the provisions of this Act or of any rule or bye law made thereunder he shall, if the name and address of such person are unknown to him and if the said person, on demand, declines to give his name and address or gives a name and address, which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody-fa) after

his true name and address are ascertained, or

(b) without the order of a Magistrate, for any longer time, not exceeding twenty four hours from the hour of arrest, than is necessary for producing him before a Magistrate.

552.Exercise of powers of police officers, by employees of Municipality,— The Government may, by order, empower any employee or any class of employees of a Municipality to exercise the powers of a police officer for the purposes of this Act.

553.APPLICATION OF TERM PUBLIC SERVANT TO OFFICERS AND EMPLOYEES OF MUNICIPALITY, AGENTSANDSUBAGENTS.— Every officer or employee of a Municipality, every contractor or agent for the collection of any municipal tax, fee or other sum due to the Municipality and every person employed by any such contractor or agent for the collection of such tax, fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

554. Prohibition of obstruction of municipal authorities, employees and CONTRACTORS.— No person shall obstruct or molest the Council, the Chairperson, any Councillor, the Secretary or any person employed by the Municipality or any person with whom a contract has been entered into on behalf of the Municipality in the performance of their duty or of anything which they are empowered or required to do, under this Act or of any rule, bye-law, regulation or order made thereunder.

555. PROHIBITIONOFREMOVALOFMARK.— No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law or order made thereunder.

74[556. **PROHIBITIONAGAINSTREMOVALOROBLITERATIONOFNOTICE.**— No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate a notice exhibited in a public place, worksite or any other place under the authority of the Municipality.]

557. Prohibition of unauthorised dealings with public place or materials.— No person shall, without authority in that behalf, remove earth, sand or other material from or deposit any matter in or make any encroachment on any land vested in the Municipality, or river, estuary, canal, backwater or water course (not being private property) or in any way obstruct the same.

558. RECOVERYOFADMINISTRATIONCOSTFORMAKINGFRIVOLOUSCOMPLAINTETC.— Where, upon such enquiry or otherwise, the Secretary is satisfied that any complaint filed against any person acting under this Act is frivolous or vexatious or unfounded or without bona fides the Secretary may direct the person making the complaint to pay the reasonable cost incurred by the Municipality in pursuing action on the complaint and such cost shall be recoverable from such person as if it were an arrear of property tax under this Act:

Provided that before issuing a direction to pay the cost, the person concerned shall be given an opportunity of showing cause against the proposed action.

559. OFFENCESBYCOMPANIES.— (1) Where the person committing any offence under this Act is a

company, the company as well as every person who is in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence 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 due 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 corporate and includes a firm or other organisation or association of persons or a Co-operative Society;

(b)Director in relation to a firm, means a partner in the firm.

560. SPECIALPROVISIONSINTHECASEOFNEWLYCONSTITUTED MUNICIPALITY.—[75][(1) Notwithstanding anything contained in this Act where a Municipality is constituted for the first [74] [75]

74. Section 556 substituted by Act 14 of1999, w.e.f. 24-3-1999

75.Sub-section (1) substituted by Act 14 of1999, w.e.f. 24-3-1999

time under section 4, the Government, shall appoint a Special Officer or an Aclmini Committee consisting of not less than three members who are officers of Government in; to the Secretary to exercise the powers, perform the functions and discharge the dutie Chairperson, Standing Committees and Council of the Municipality.]

(2) The State Election Commission shall cause arrangements for election to 1 so that newly elected Chairperson and Councillors may assume office within six mon the date on which the notification under sub-section (3) of section 4 constituting the', area to be a Municipality takes effect.

[76][(3) Where a Special Officer is appointed under sub-section (1), the powers,! and duties of the concerned Municipality and of its Chairperson the Deputy Chairpe the Standing Committees shall be exercised and performed by the Special Officer a an Administrative Committee is appointed, the powers unctions and duties of the Mu shall be exercised and performed by such committee and those of the Chairperson ai Chairperson shall be exercised and performed by the members of the Committee as; by the Government in the notification issued under sub-section (1):

Provided that the Special Officer or Administrative Committee so appointed sh; the powers and perform the functions subject to the general or special direction Government.]

561. Adjudication of disputes between local authorities.— (1) Where a dispute exists between any Municipality and any Panchayat or between or among Mui regard to any matter arising under the provisions of this or any other Act and the are of opinion that they are unable to settle it amicably among themselves, the Go> take cognizance of the dispute, and-

(a) decide it themselves; or

[77][(b) refer it to the Tribunal constituted under Section 271 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or to the Joint Committee constituted under Section: and report;]

(2) The report referred to in clause (b) of sub-section (1) shall be su Government who shall decide the dispute in such manner as they deem fit and such decesion shall be binding on the dispute

562. Reference to Chairman in other enactments and notifications, etc., issued thereunder.— (1) Any reference to the Chairman contained in any enactment in force in the State or in any notification, order, scheme, rule from or bye-law made under such enactment and in force in the State shall be construed as a reference to the Chairperson under this Act and where such reference relates to the executive functions of the Chairman, be construed as a reference to the Secretary.

. (2) Where any question arises as to whether any such reference relates to the executive functions of the Chairman or not, the decision of the Government shall be final.

563. Jurisdiction of Civil Courts barred.— No civil Court shall have jurisdiction to entertain any suit, application or petition challenging the legality or propriety of any action taken by or under the authority of the Secretary under any provisions comprised in Chapters XVII, XV1I1 and XIX or the rules and regulations, if any, made thereunder.

™[563A. Citizens charter to be published.— (1) Every Municipality shall in the manner prescribed, formulate and publish in the name of "citizens" charter" in respect of the categories of

services made available by the Municipality to the citizens, its conditions and the time limit within which it is made available; [76] [77]

76,Sub-section (3) substituted by Act 14 of1999, w,e,f 24-3-77.Clause (b) substituted by Act 14 of1999, w,ef 24-3-1999 1999

(2) The "Citizens' Charter" shall be renewed and updated periodically at least once in a year.]

564.Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act the Government may, be order, as occasion requires, do anything not inconsistent with the provisions of this Act which appears them to be necessary for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(3) Every order made under sub-section (1) shall be laid before the Legislative Assembly within fourteen days after it is made if it is in session or at the commencement of the next session of the Legislative Assembly if it is not in session.

CHAPTER XX VI

RULES, BYE-LAWS AND REGULATIONS

565.Power 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 of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) all matters not expressly provided for in this Act, relating to the election of Chairperson, Deputy Chairperson or Councillors including election petitions and deposits to be made by candidates standing for election and the conditions under which such deposit may be forfeited;

****["(aa) the manner of giving and recording of votes by using voting machine and the procedures in conducting polling in polling stations or places where such machines are used"]**

(b) conditions on which property may be acquired by the Municipality or on which property vested in or belonging to the Municipality may be transferred by sale, mortgage, lease, exchange or otherwise;

(c) the working of provident funds;

[79] **[(d) financial assistance paid from the Municipal fund;]**

(e)the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Municipality and the power of the municipal authorities or Government officers to record professional or administrative sanction to estimates;

(f) the accounts to be kept by the Municipality, the manner in which such accounts shall be audited and published and the conditions under which the rate payers may appear before auditors, inspect registers and vouchers and take exception to items or omitted therein;

(g) the estimate of receipts and expenditure, returns, statements and reports to be submitted by Municipalities;

[80] **[(h) the manner in which the advice of the officers of the Government, other officers or experts shall be sought by the Municipality for the purposes of this Act;]**

(i) the interpellation of the Chairperson by the Councillors;

(j)the moving of resolutions at the meeting of the Council;

78.Section 563 A inserted by Act 14 of 1999, w.e.f. 24-3-1999.

**** Section 'aa' added by Third Amendment Act 33 of 2005, w.e.f 24-08-2005**

(k)regulating the sharing between local authorities of the proceeds of the profession tax, tax on animals, vessels and vehicles and other taxes or income levied or obtained under this or any other enactment;

(l) the form of registers and returns of births and deaths, the manner in which the registers shall be maintained, the dates on which returns shall be filed and the officer before whom returns shall be submitted;

(m)the transfer of allotments entered in the sanctioned budget of a Municipality from one head to another;

(n)the powers of auditors inspecting and superintending officers and officers authorised to hold inquires to summon and examine witnesses and to compel the production of documents and all other matters connected, with audit, inspection and superintendence;

(o) determining the cost of buildings and lands;

(p)registration of marriages at the instance of the parties concerned containing such particulars as may be prescribed and issuance of certificates thereof on application after realising the prescribed fees for such certificates;

(q) [81][x x x x]

(r)registration of residents associations of housing colonies, area development societies of the urban poor, arts-sports and games and cultural organisations in the municipality.

[82][(s) preparation of development plans for the municipal area, its approval and. implementation;

(t)functions of Ward Committees and Ward Sabhas; and

(u)right to information of the people on matters of municipal administration and duties.]

(3)Rules relating to election, if any, shall be made in consultation with the State Election Commission.

(4)In making the rules, the Government may provide that a breach thereof shall be punishable with fine which may extend to [83][five hundred rupees].

(5)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 form 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.

566.Power of Government to amend the Schedules.— (1) The Government may, by notification in the Gazette, make additions to the entries in a Schedule to this Act.

(2) No Schedule to this Act or any entry in such Schedule shall be omitted except by the authority of a law made by the State Legislature.

BVE-LAWS AND REGULATIONS

567. Power of Council to make bye-laws.— The Council may make bye-laws not inconsistent with the provisions of this Act and the rules made thereunder or any other law, to provide for- [79] [80]

79. Clause (d) substituted by Act 14 of 1999, w.e.f. 24-3-1999.

80. *Clause (h) substituted by Act 14 of 1999, w.e.f. 24-3-1999.*

(1) the due performance by all officers and employees of the Municipalities of the duties assigned to them;

(2) the time and mode of collecting taxes and duties under this Act;

(3) determining the conditions under which lands shall be deemed to be appurtenant to buildings; the regulation of public bathing, washing and the like;

(4) the maintenance and protection of the water supply and drainage system entrusted to a Municipality;

(6) the maintenance and protection of the lighting system;

(7) the cleansing of latrine, earth closets, ash-pits and cess pools and the keeping of latrines supplied with sufficient water for flushing;

(8) the laying out of streets, and determing the information and plans to be submitted with applications for permission to lay out street; and regulating the level and the width of public streets and the height of buildings abutting thereon;

(9) the regulation of the use of public streets, and the closing thereof or parts thereof;

(10) the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(11) for the regulation of use of parks, gardens and other public places;

(12)the regulation of building and licensing of builders and surveyors;

(13) regulation of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses, and any premises to which the public are admitted for repose or for consumption of food or drink;

(14) regulating the mode of constructing stables, cattle sheds and cow houses and connecting them with municipal drains;

(15) the sanitary control and supervision of places used for any purposes specified in the sixth

schedule, the seventh schedule and the eighth schedule and of any trade or manufacture carried on therein;

(16) the control and supervision of the methods of slaughtering, slaughterhouses and of places used for skinning and cutting up carcasses;

(17)the control and supervision of butchers carrying on business in the municipal area;

(18) the inspection of milch cattle and the regulation of the ventilation, lighting, cleaning, drainage and water supply of dairies and cattle sheds in the occupation of persons following the trade of dairyman or milk seller;

(19) enforcing the cleanliness of milk shops and vessels and utensil used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(20) requiring notice to be given where any milch animal is affected with any contageous disease and prescribing the precautions to be taken in order to protect milch cattle and milk against infection and contamination; [81] [82] [83]

81.Clause (q) omitted by Act 14 of1999, w.e.f. 24-3-1999.

82.Clauses (s), (t) & (u) added by Act 14 of1999, w.e.f. 24-3-1999.

83. Substituted for the words "one hundred rupees" by Act 14 of1999, w.e.f. 24-3-

(21)for the inspection of public and private markets and shops and other places therein and the regulation of their use and control of their sanitary condition;

(22)licensing and controlling brokers, commission agents, weighmen and measures practising their calling in markets;

(23)prescribing the method of sale of articles whether by measure, weight, tale or piece;

(24)the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(25) the regulation of burial and burning grounds and other place for the disposal of corpses, the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the Municipality, the verification of deaths and the causes of death, the period for which corpses must be kept for inspection and for the period within which corpses must be conveyed to a burial or burning ground and the mode of conveyance of corpses through public places;

(26)the registration of births, deaths and marriages;

(27)the training and licensing of dhais and midwives;

(28)the enumeration of the inhabitants of the Municipalities;

(29)the prevention of dangerous diseases of men or animals;

(30)the enforcement of compulsory vaccination;

(31)the prevention of outbreaks of fire,

(32)the prohibition and regulation of advertisements in public streets or parks;

(33) securing cleanliness, safety and order and the good governance and well-being of the inhabitants of the Municipality and for carrying out all the purposes of this Act; and

(34)all matters in respect of which bye-laws are to be; or may be, made.

568.Power to give retrospective effect to certain bye-laws.— The Council may, with the previous sanction of the Government, and subject to the provisions hereinafter contained in this Chapter make bye-laws with retrospective effect.

569.POWEROFTHE COUNCILTOMAKEREGULATIONS.— The Council may make regulations not inconsistent with the provisions of this Act and the rules made thereunder on any matter and in respect of which regulations are to be, or may be, made under this Act.

570.PENALTYFORBREACHOFBYE-LAWSANDREGULATIONS.— In making a bye-law or a regulation, the Council may provide that a breach thereof shall be punishable-

(a) with fine which may extend to five hundred rupees and in the case of a continuing breach with fine which may extend to fifty rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to fifty rupees for every day during which the breach continues after receipt of notice from the Secretary to discontinue such breach.

571. PREVIOUSPUBLICATIONOFBYE-LAWSORREGULATIONS.— Every Council shall, before making or altering any bye-law or regulation, publish a draft of the proposed bye-laws or regulation together with a notice specifying a date on or after which such draft will be taken into consideration, and shall, before making or altering the bye-laws or the regulations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

572. Confirmation of bye-laws or regulations.— (1) No bye-law or regulation or any cancellation or alteration thereof shall have effect until the same is approved and confirmed by the Government.

(2) **A bye-law or regulation or cancellation or alteration thereof approved and confirmed under sub-section (1) shall be published in the Gazette and shall come into operation on the date of such publications unless a different date is provided therein.**

[84]**[573. Cancellation of Bye-laws or Regulations.— The Government, may for the reasons t© be specified in the order in this behalf, cancel any Bye-law or Regulation and thereafter such Bye-law or Regulation shall be of no effect:**

Provided that before cancelling any Bye-law or Regulation under this section, the Council concerned shall be given an opportunity to express its opinion in respect of the cancellation.]

574, Copies of Act, rules, bye-laws and regulations to be sold at the office of the Municipality.—Copies, in English and in the language of the locality, of this Act and the rules, bye-laws and regulations made thereunder shall be kept at the office of the Municipality for sale.

CHAPTER XXVII

REPEAL

575. Repeal and saving.— (1) With effect on and from the commencement of this Act the Kerala Municipalities Act, 1960 (14 of 1961), the Kerala Municipal Corporations Act, 1961 (30 of 1961), the Guruvayur Township Act, 1961 (43 of 1961), the Kerala Municipalities Ordinance, 1994 (2 of 1994) and the provisions of the Kerala Local Authorities (Constitution and Preparation of Electoral Rolls) Act, 1994 (4 of 1994), in so far as they relate to Municipalities, shall stand repealed.

(2) Notwithstanding such repeal-

(i) the committees in office at the commencement of this Act appointed by the Government to exercise the powers perform the functions of the municipal Councils; the Chairman of the Standing Committees under the Kerala Municipalities Act 1960 (14 of 1960) and the Collectors appointed by the Government to exercise the powers and perform the functions of the Councils, the Mayors and the Standing Committees under the Municipal Corporation Act, 1961 (30 of 1961) in office at such commencement and the Guruvayoor Township Committee constituted under the Guruvayoor Township Act, 1961 (43 of 1961) shall continue, as if it were the Municipal Councils or Corporation Councils or Township Committees constituted, respectively, under the said enactments, till corresponding Municipalities are constituted under this Act; or they are dissolved by the Government, whichever occurs earlier;

(ii) any appointment, rules, including rules in the Schedules to the repealed Acts, bye-laws, regulations or forms made, notifications, notice, order, scheme or direction issued, tax fee or fine or other penalty, imposed, licence, permission or exemption granted under the repealed enactments and in force at such commencement shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted as the case may be by the corresponding Municipalities under the provisions of this Act until superseded, amended or modified by any appointment, rules, bye-laws or regulations, notifications, notice, order, scheme, direction, tax, fee, fine or other penalty, licence, permission or exemption, made, issued, imposed or granted as the case may be under this Act;

84. Section 573 substituted by Act 14 of 1999, w.e.f. 24-3-1999.

(iii) all properties *whether movable or immovable, and all* interests of whatever nature therein belonging as the case may be, to the Municipal Councils, Councils or a Township Committee at such commencement shall subject to all limitations conditions and rights or interest of whatever nature therein, belonging as the case may be, to the before such commencement, be deemed to have been transferred to and vested in the corresponding Municipalities constituted under this Act and in the case of such transfer to, and vesting in, more than one Municipality, to such extent as the Government may determine;

(iv)all rights, liabilities and obligations of the Municipal Councils, Councils and the Township Committee at such commencement shall be deemed to be the rights, the liabilities and the obligations of the corresponding Municipalities constituted under this Act;

(v) in all suits and legal proceedings pending at such commencement in which the Municipal Councils, the Council or the Township Committee is a party, the corresponding Municipalities constituted under this Act shall be deemed to have been substituted therefore;

(vi)all contracts entered into and all instruments executed by or on behalf of the Municipal Councils, Councils or the Township Committee at such commencement shall be deemed to have been entered into or executed by or on behalf of the corresponding Municipalities constituted under this Act;

(vii)any tax, cess, fee, fine, surcharge or any other amount due to the Municipal Councils, the Councils or the Township Committee at such commencement shall, without prejudice to any action already taken under the repealed enactments, be recoverable by the corresponding Municipalities constituted under this Act in accordance with the provisions therein as if they were due under the provisions of this Act;

(viii)the Municipal fund of the Municipal Councils and the Councils and the fund of the Township Committee, if any, at such commencement shall stand transferred to and vested in, the Municipal fund of the corresponding Municipalities constituted under this Act and in the case of such transfer to, and vesting in, more than one Municipality, in such proportion as the Government may determine;

(ix) all proceedings pending before the Municipal Councils, Councils or the Township Committee at such commencement shall be deemed to be proceedings pending before the corresponding Municipalities constituted under this Act and such Municipalities may, without prejudice to any action already taken under the repealed enactment continue such proceedings and dispose of the same in accordance with the provisions of this Act;

(x) budget estimates prepared or estimates, assessments, valuation or measurements, if any, made or authenticated by the Municipal Councils, the Councils and the Township Committee at such commencement shall be deemed to be prepared, made or authenticated by the corresponding Municipalities constituted under this Act;

(xi) the officers and other employees in the service of the Municipal Councils, the Councils and the Township Committee in office at such commencement shall be deemed to have been transferred to the services of the corresponding Municipalities constituted under this Act;

(xii) [85][x x x]

(xiii)anything done or any action taken under the Kerala Local Authorities (Constitution and Preparation of Electoral Rolls) Act, 1994 (4 of 1944), in respect of any matter under this Act shall, on such commencement be deemed to have been done or taken under the relevant provisions of this Act.

(xiv) where a Municipal Council is constituted under the Kerala Local Authorities (Constitution and Preparation of Electoral Rolls) Act, 1994 (4 of 1994) for the territorial area comprising the existing Municipal area, the Special Officer, administrative committee or its Chairman appointed for the existing Municipal Council shall be deemed to have been appointed under this Act and such special officer, administrative committee or its Chairman may continue until their existing term of office expires or is terminated or till the Councillors of such Municipal Council elected under this Act assume office, whichever occurs earlier;

(xv) anything done or any action taken under the Kerala Municipalities Ordinance, 1994 (4 of 1994) shall be deemed to have been done or taken under this Act.

(3) For the removal of doubts, it is hereby clarified that the expression corresponding Municipalities in this section shall mean the Municipalities constituted under this Act in or inclusive of, the local area of the Municipal Councils, Councils or the Township Committee constituted under the repealed enactments.

[86][FIRST SCHEDULE

[See Section 30(A)]

FUNCTIONS OF THE MUNICIPALITY

1 **A. Mandatory Functions**

2. Regulating building construction.
3. Protection of public land from encroachment.
4. Conservation of traditional drinking water sources.
5. Preservation of ponds and other water tanks.
6. Maintenance of waterways and canals under the control of the Municipality.
7. Collection and disposal of solid waste and regulation of disposal of liquid waste.
10. Stream water drainage.
11. Maintenance of environmental hygiene.
12. Management of public markets.
13. Vector control.
14. Regulation of slaughtering of animals and sale of meat, fish and other easily perishable food stuffs etc.
15. Control of eating houses.
16. Prevention of food adulteration.
17. Maintenance of roads and other public properties.
18. Street lighting and its maintenance.
19. Adopt immunisation measures.
20. Effective implementation of National arid State level strategies and programmes for prevention and control of diseases.
21. Establishment and maintenance of burial and burning grounds.
22. Issue of licences to dangerous and offensive trades and industries.
23. Registration of births and deaths.
24. Providing bathing and washing ghats.
25. Arranging ferries.
85. Providing parking spaces for vehicles.
86. Construction of waiting sheds for travellers.

85. Clause (xii) omitted by Act 14 of' 1999, w.e.f. 24-3-1999.

86. Schedule I substituted by Act 14 of1999, w.e.f. 24-3-1999.

87. Regulating the conduct of fairs and festivals.

88. Issue licence to domestic dogs and destroy stray dogs.

89. Providing basic facilities in slum areas.

90. Amenities including foot path and road crossing facilities for pedestrians.

91. Preparation of detailed town planning and Action plan for implementation in a phased manner.

92. **General functions**

93. Collection and updating of essential statistics.

94. Organising voluntary workers and make them participate in collective activities.

95. Organise campaign for thrift.

96. Awareness building against social evils like drinking, consumption of narcotics, dowry and abuse of women and children.

97. Ensuring maximum people's participation in all stages of development.

98. Organise relief activities during natural calamities.

99. Inculcating environmental awareness and motivating local action for its upgradation.

100. Development of Co-operative Sector.

101. Promoting communal harmony.

102. Mobilising local resources in cash or in kind including free surrender of Land for developmental purposes.

103. Propagating legal awareness among the weaker sections.

104. Campaign against economic offences.

105. Organising neighbourhood groups and self-help groups with focus on the poor.
106. Awareness building on civil duties.
107. **Sector-wise distribution of functions**
108. **Agriculture**
109. Bring into cultivation barren land and surrounding land.
110. Ensure optimum utilisation of land.
111. Soil conservation.
112. Production of organic manure.
113. Establishment of nurseries.
114. Promotion of co-operative-group farming.
115. Organising self-help groups among farmers.
116. Promotion of horticulture and vegetable cultivation.
117. Implementation of fodder crop development.
118. Encourage plant protection activities.
119. Development of seed production.
120. Implementation of farm mechanisation.
121. Running of Krishi Bhavans.
122. Organise Agricultural exhibitions.

II. Animal Husbandry and Dairy Farming

1. Implementation of cattle improvement programmes.
2. Increase the production of milk.
   Poultry farming, bee keeping, piggery development, goat rearing and rabbit rearing.
3. Running of veterinary hospitals.
   Running of I.C.D.P. sub-centres.
4. Formulation and implementation of preventive-health programme for animals.
   Prevention of cruelty to animals.
5. Implementation of fertility improvement programmes.
6. Control of animal origin disease.

10.Running of veterinary poly-clinics and Regional Artificial Insemination Centres.

11.Providing of speciality services in animal husbandry.

12.Conduct cattle-poultry shows.

III. Minor Irrigation:

1. Implementation and maintenance of all minor and lift irrigation projects within the Municipal areas.
2. Implementation and Maintenance of all micro-irrigation projects.
3. Carry out conservation of water
4. Implementation of ground water resources development.

IV. Fisheries:

1. Implementation of Pisi-culture in ponds, fresh water and brackish in water, and development of marine products.

2. Promotion offish-seed production and distribution.
3. Distribution of fishing implements.
4. Providing assistance for fish marketing.
5. Providing of minimum basic services for fishermen families.
6. Implementation of fishermen welfare scheme.
7. Development of traditional landing centres.
8. Administrative control of fisheries schools.

V. Social Forestry:

Growing of trees for fodder or fuel and growing of fruit trees.

1. Organise campaign for planting of trees and environmental awareness.
2. Afforestation of waste land.

Small Scale Industries:

3. Promotion of cottage-village industries.

VI.

1. Promotion of handicrafts.
2. Promotion of traditional and mini industries.
3. Establishment of Mini Industrial Estates.

Encourage the industries with investment of one-third of S.S.I. limit.

4. Formulate and implement self employment schemes in Industrial Sector.
5. Promotion of small scale Industries.
6. Implementation of the entrepreneur development programmes.

VII. Housing:

1.Identify the homeless and purampoke dwellers and to provide house sites and houses.

2. Implementing housing programmes.
3.
4. Implementing the shelter rejuvenation programmes.
5. Popularising the low-cost housing.
6. Encourage housing co-operative societies.
7. Implement the development of housing complex and infrastructure.

Mobilise fund necessary for housing.

VHL Water Supply:

1.Maintain water supply schemes within the respective Municipal area.

2. Arrange water supply schemes within the respective Municipalities.

IX Electricity and Energy:

. Install street lights.

1. Encourage the consumption of bio-gas.
2. Promote the non-conventional energy sources.
3. **Education:**

X. Run the Government pre-primary schools, primary schools and High schools.

Implement literary programmes

1. Run the Government Industrial Training Centres in the Municipal area.
2. Run the Government Higher Secondary Schools in the Municipal area.
3. Run the Government Technical Schools in the Municipal area.
4. Run the Government Vocational Training Centres and Polytechnics in the Municipal area.
5. Run the Government Vocational Higher Secondary Schools in Municipal area.

Public Works:

6.
7. Construct and maintain the roads except National Highways, State Highways and major District roads within the Municipality.
2. Construction of building for institutions including those were transferred from Government.

XII. Public Health and Sanitation:

1. Run Dispensaries, Primary Health Centres and sub centres under all systems of medicines.
2. Conduct child welfare centres and mother care homes.

3. Organise remedial and other preventive measures against disease.
4. Implement family welfare programmes.
5. Implement sanitation programmes.
6. Run Public Health Centres and Taluk hospitals under all system of medicine, in Municipal area.

XIII. Social Welfare:

1.Run Anganvadis.
2. Sanction and distribute pension to destitutes, widows, handicapped and agricultural labourers.
3. Sanction and distribute unemployment wages.
4. Sanction financial assistance for the marriage of the daughters of
5. widows. Implement Group Insurance Scheme to the poor sectors.
6. Provide grant to orphanages,
7. Start institutions for the welfare of handicapped, destitutes etc.

XIV. Eradication of poverty:

1. Identify the poor.
2. Implement self employment and group employment schemes for the poor, especially for women.
3. Create community assets to get continuing benefit to the poor.
4. Develop the skills of those below poverty line to do self-employment and for temunerative employment.
5. Provide basic facilities for self employment schemes.

XV. Development of the Scheduled Caste/Scheduled Tribe:

1. Implementation of beneficiary oriented schemes under Special Component Plan (SCP) and Tribal Sub Plan (TSP).
2. Run Nursery schools for the Scheduled Caste/Scheduled Tribe.
3. Provide basic facilities in the residential centres for the Scheduled Caste/ Scheduled Tribe.
4. Provide financial assistance for the Scheduled Caste/Scheduled Tribe Students.
5. Provide assistance discreationally to the Scheduled Caste and the Scheduled Tribes who deserve.
6. Run Pre-metric hostels in Municipal area.
7. Develop Scheduled Caste/Scheduled Tribe Co-operative Societies.
8. Run post-metric hostels in Municipal area.
9. Run Vocational Training Centres for the Scheduled Caste/Scheduled Tribe in Municipal area.

XVI. Sports and Cultural Affairs:

I. Construct playgrounds and studios

XVII. Public Distribution system:

1. Examine Complaints against Public distribution system and to find out and implement remedial measures.
2. Organise campaigns against offences relating to weights and measures.
3. General Supervision of Ration shops, Maveli Stores, Neethi Stores and other public- distribution systems and to provide guidance, and start new public distribution centres if necessary.

XVIII. Natural Calamity relief:

1. Maintain relief centres.
2. Organise relief activities.

*3 [eab)ojffls zjalxoijok rolal

XIX. Co-operation:

1 Organise Co-operative Societies within the Municipal area.

2. Distribute Government grants and subsidies.]

**Item 3 inserted by* S.R.O. No. 7-1-2000. w.e.f., 17-1-2000.

Section	Sub section	Subject	fine which may be imposed
(1)	(2)	(3)	(4)
39	(1)	Councillor, having interest in voting or taking part in discussion	Rupees five thousand.
156	(2)	Make default in furnishing list of Officers and staff for election purpose	Rupees five thousand.
157	(1)	Breach of official duty in connection with election	Rupees five thousand.

158	(4)	Failure to make available premises and vehicles for election purposes	Rupees five thousand.
240	(1)	Failure to give notice of transfer of title or to produce documents	Rupees five hundred.
241	CD	Failure to give notice to Secretary after completion of construction/ reconstruction of building	Rupees five hundred.
244	(1)	Failure of owner or occupier to file return of rent, etc.	Rupees one thousand.

87.Substituted for "will bear true faith and allegiance" by Act 14 of 1999, w.e.f. 24-3-1999. 88.Substituted for "will bear true faith and allegiencc" by Act 14 of 1999. w.e.f. 24-3-1999. 89.Schedule IVsubstituted by Act 14 of 1999, w.e.f. 24-3-1999.

(1)	(2)	(3)	(4)
249		Failure of owner or occupier to comply with the requisition to furnish list of persons carrying on profession, art etc.	Rupees five thousand.
250		Default of the employer or head of an office, firm or company to comply with requisition to furnish list of persons under his employment	Rupees five thousand.
252		Failure to recover professional tax by employer etc.	Rupees five thousand.
253	(2)	Failure to furnish list of employees etc	Rupees five thousand.
256		Failure to pay professional tax by self drawing officers	Rupees five hundred.
264	(2)	Failure to comply with requisition to furnish statement of vessels and animals liable to taxation or furnishing false statements	Rupees two hundred and fifty.
275	(2)	Exhibiting any advertisements with out permission	Rupees five thousand.
318		Making connection with mains with out permission	Rupees five thousand.
322		Failure to comply with requisition to provide latrine or to remove latrine to another site and failure to keep latrine clean and in proper order	Rupees five hundred.
323		Failure to provide latrines in premises used by large number of people or to keep them clean and in proper order	Rupees two thousand and five hundred.
324		Failure to comply with requisition to provide latrines for markets, cattle shed or cart stand or to keep them clean and in proper order	Rupees two thousand and five hundred.
325		Failure to construct latrine so as to screen persons using the same from view	Rupees two hundred and fifty.
335		Improper disposal of carcasses rubbish and flith	
336		Allowing rubbish, filth etc, to accumulate on premises for more than twenty, four hours	Rupees five hundred Rupees one thousand.

337		Allowing filth to outflow along streets	Rupees two thousand and five hundred.
338		Unlawful disposal of skin, carcasses etc.	Rupees five thousand.

(1)	(2)	(3)	(4)
339		Using cart without cover for removal of filth etc.	Rupees two hundred and fifty.
		Throwing rubbish or filth or debrs in public places	Rupees two thousand.
341		Committing nuisance in public streets etc.	Rupees five hundred.
351		Construction of building within the regular street alignment	Rupees twenty-five thousand.
352	(1)	Failure to comply with oreders as to set back of buildings	Rupees twenty thousand.
357			Rupees five thousand.
		Unlawful displacement etc. of pavement, fences posts and other materials in any public street	
359		Failure to provide roads etc, on buildings, sites, prior to disposal	Rupees two thousand.
360	(5)	Unlawful making or laying out of new private street	Rupees five thousand.
362		Failure to comply with the requisition for metaling etc, in private street	Rupees one thousand.
364		Constructing wall, erecting fence etc. in Public street	Rupees ten thousand.
365		Obstructing a person from using the street	Rupees one thousand.
366		Allowing to open outwards doors, windows in the first floor etc. without licence or contrary to notice.	Rupees five hundred.
367		Failure to remove permanent encroachment	Rupees Ten thousand.
368		Failure to remove temporary encroachment	Rupees Two thousand five hundred.
369		Causing obstruction in Public Street	Rupees Ten thousand.
370		Unauthorised deposits of materials in public streets etc.	Rupees One thousand,
394		Unlawful removal of shoring timber bar etc. or removal or extinguish light	Rupees One thousand.
375	(I)	Unlawful making of hole or placing of obstruction in street	Rupees One thousand.
377		Construction of building without licence which is likely to be obstructed the street in foot path or failure to fence such building while repairing or failure to remove obstruction	Rupees Twenty thousand.

(1)	(2)	(3)	(4)
378		Failure to remove obstruction caused in street by fall of trees, etc. within 12 hours of fall.	Rupees One thousand.
379	(3)	Unlawful destruction etc. of name of street	Rupees Five hundred.
380	(2)	Unlawful destruction etc. of building number	Rupees Five hundred.
380	(3)	Failure to replace number when required to do so	Rupees Five

			hundred.	
383	(5)	Constructing or reconstructing building contrary to declaration issued by Council	Rupees thousand.	Five
384	(1)	Failure to comply with requisition to round off or splay off building at corners of street	Rupees thousand.	Five
385		Construction of external roofs, etc. with inflammable materials	Rupees Two thousand five and hundred.	
386		Construction of door or window etc. so as to open outwards oh Public Street	Rupees hundred.	Five
404		Failure to keep external walls of premises in proper repair.	Rupees hundred.	Five
411	(1)	Failure to comply with requisition to demolish repair or secure dangerous structure	Rupees thousand.	Five
412	(1)	Failure to comply with requisition to secure, lop or cut down dangerous trees	Rupees thousand.	Two
413		Failure to comply with requisition to repair etc. tank or other place dangerous to passers by or persons living in neighbourhood	Rupees thousand.	One
414		Failure to comply with requisition to stop dangerous quarrying	Rupees thousand.	Five
415		Failure to comply with notice regarding precautions against fire	Rupees thousand.	Five
416	(1)	Constructing well etc. without permission	Rupees hundred.	Five
416	(3)	Failure to comply with the notice to fill up or demolish well	Rupees hundred.	five
417		Failure to comply with requisition to fill up, etc. tank or well or drain off water etc.	Rupees thousand.	One
418		Cultivating contrary to prohibitions or regulations	Rupees thousand.	One
419		Failure to comply with requisition to clean, close etc. of tank, well or other water used for drinking		
421		Obstructing a person from the use and enjoyment		
422		of well, tank or reservoir Unlawful laundering and fishing in		
		river, etc. after prohibition or contrary to regulations		
424		Washing of cloths by washermen at unauthorised places		
425		Defiling water of pond tank, etc.		
426		Failure to comply with requisition to		
427		enclose clear or cleanse uninhabited lands.		
428		Failure to comply with requisition to		
429		enclose or cleanse untenanted lands		
431		Failure to secure trees adjacent to building or well		
432		Failure to comply with requisition to fence around building or land or trim, prune and outsherbs and trees or to lower the heights of surrounding wall		
		Failure to comply with requisition to white wash or otherwise cleanse the building		
		Failure to comply with requisition to execute work		

		or take other action with the respect to sanitary buildings.case of building Using or allowing the use of prohibited	
433	(**2**)	building unfit for human habitation.	
434	(**4**)	Failure to comply with requisition to demolish such building	
434	(**1**)	Allowing overcrowded dwelling in building even after the order to abate the same	
434	(**4**)	Failure to comply with requisition to vacate overcrowded building or room	
435		Feeding animals on filth	Rupees One thousand.
436		Unlawful keeping of animals in such a way as to cause nuisance or danger	Rupees Five hundred.
444		Use of places as stable, cattle shed etc.	Rupees Five hundred.
445		without licence or contrary to licence Construction or maintenance of stable, cattle shed, etc., contrary to Act	Rupees two hundred and fifty.
			Rupees Five hundred.
			Rupees Five hundred.
			Rupees five hundred, Rupees one thousand.
			Rupees one thousand.
			Rupees five hundred.
			Rupees one thousand and rupees five hundred
			Rupees two hundred and fifty for each day.
			Rupees two hundred and fifty for each day.
			Rupees one hundred for each day.
			Rupees one hundred for each day.
			Rupees five hundred.
			Rupees five hundred.
			Rupees five hundred.
			Rupees five hundred.

(1)	**(2)**	**(3)**	**(4)**
446		Use of place as stable, cattle shed, etc. contrary to notice issued by the Secretary	Rupees two thousand.
447	(I)	Using u place for any of the purposes specified in the rules made for this without licence or contrary to licence.	Rupees Ten thousand.
448		Unlawful establishment of factory workshop, etc.	Rupees ten thousand.
449		Violation of order regarding abatement of nuisance	Rupees Two thousand

			five hundred. Rupees
453		Use of a place as slaughter house with out licence or contrary to licence	fi Rupees five thousand.
455		(1) Slaughter of animals for sale as food	
455	(5)	Skinning or cutting up of drying skin from carcasses so as to cause nuisance each carcas or skin.	Rupees two hundred for
456		Carrying on milk trade without licence or contrary to licence Obstructing a person from using a market	Rupees one thousand.
457			Rupees one thousand.
459			Rupees five hundred.
		Sale or exposure for sale in public Market of animal or article without licence or contrary to licence	
460		Open or kept open private market without licence or contrary to licence.	Rupees five thousand.
462		Sale or exposure for sale of animals or article in unlicenced private market	Rupees five hundred.
463		Failure to comply with direction to construct approaches, drains etc; to private markets on to pave them etc.	Rupees one thousand.
464	(2)	Open or kept open of private market after suspension of refusal of licence for default to carry out works	Rupees two hundred and fifty for each day.
465		Creating nuisance in private market	Rupees two hundred and fifty.
469		Carrying on butcher's fish monger's or poulterer's trade without licence, etc.	Rupees one thousand.
470			Rupees five hundred.
473		Sale or exposure for sale of animal or article in public street Using a public place or the sides of public street as public landing places	Rupees five thousand.
475		Open or kept open new private cart stand without licence or contrary to licence	Rupees five thousand
(I)	(2)	(3)	(4)
478		Preventing the Secretary or any person authorised by him from exercising his powers of entry etc, under this section	Rupees five thousand.
480		Removing or in any way interfering with the affairs of the animal or article seized	Rupees five thousand
484	(1)	Opening, etc, a new place for the disposal of the dead body without licence	Rupees ten thousand.
486	(3)	Use or allowing the use of burial or burning ground which has not been registered, licenced or authorised.	Rupees ten thousand.
487		Failure to give information of burial or burnings in burial or burning ground	Rupees five hundred
488	(3)	Burial or burning in place after prohibition	Rupees ten thousand.
489		Offences in respect of corpses	Rupees five hundred.
492	(2)	Failure to produce license on demand,	Rupees five hundred.
494		Failure of medical practitioner or owner to give information regarding the infection of dangerous	Rupees five hundred.

		disease in private or public dwelling	
496		Failure to comply with requisition to close or disinfect building or articles	Rupees five hundred.
497	(3)	Washing of infected articles at unauthorised places	Rupees five thousand
498		Giving etc. of infected articles	Rupees five thousand
499		Using water after prohibition	Rupees five hundred
501		Infected person carrying on occupation	Rupees one thousand
502	(1)	Infected persons travelling in public conveyance, without taking proper precautions against spreading of disease	Rupees five hundred.
502	(2)	Entry of infected person into public conveyance without informing fact of infection	Rupees five hundred.
502	(3)	Carrying infected person in public conveyance	Rupees five hundred
503		Letting or sub-letting of infected building without previous disinfection	Rupees Two thousand.
504		Failure to close place of Public enter tainment	Rupees two thousand.
505		Sending infected child to school	Rupees five hundred

(1)	(2) (3)	(4)
519	Failure to comply with summons	Rupees five hundred.
527	Failure of occupier to comply with the requisition to permit owner to comply with provisions of this Act	Rupees one thousand
	Obstructing or molesting Municipal Council etc.	Rupees ten thousand.
556	Removing mark set up for indicating level etc.	Rupees five hundred.
556	Removal etc., of notice exhibited by or under orders of the Council	Rupees five hundred.
557	Unlawful removal of earth, sand or other materials from land vested in the Councilor deposit of materials in river, estuary etc. or encroachment into them	Rupees five thousand.

90[**FIFTH SCHEDULE**

[See Section 511 (2) (C)]

PENALTIESFORCONTINUINGBREACHES

Section			fine which may be imposed
(1)	Sub- section (2)	Subject (3)	(4)
275		Exhibiting any advertisement without permission	Rupees five hundred.
322		Failure to comply with requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order	Rupees one hundred.
323		Failure to provide latrines for premises used by large number of people or to keep them clean and in proper order	Rupees one-hundred.
324		Failure to comply with requisition to provide latrines for market, cattle shed or cart stand or to keep them clean and in proper order	Rupees two hundred and fifty.
		Construction of building within regular street alignment	Rupees one thousand.

		Failure to provide roads etc: on building sites prior to disposal	Rupees one hundred.

90. Schedule V substituted by Act 14 of1999, w.e.f. 24-3-1999.

(1)	(2)	(3)	(4)
367		Failure to remove permanent encroachment	Rupees one thousand.
368		Failure to remove temporary encroachment	Rupees five hundred.
375		Unlawful making of hole or placing of obstruction in street	Rupees two hundred and fifty.
377		Construction, etc., of building without licence which is lively to be obstructed the street or footpath	Rupees one thousand.
384	(1)	Failure to comply with requisition to round off or splay off the buildings at corners of street	Rupees five hundred.
385		Construction of external roofs, etc. with inflammable materials	Rupees two hundred.
404		Failure to keep external walls of premises in proper repair	Rupees one hundred
413		Failure to comply with requisition to repair etc, tank or other place causing danger to passers by or persons living in neighborhood	Rupees Two hundred and fifty.
414		Failure to comply with requisition to stop dangerous quarrying.	Rupees five hundred.
415		Failure to comply with notice regarding precautions against fire	Rupees five hundred.
417		Failure to comply with requisition to fill up etc. tank or well, or drain of water etc.	Rupees one hundred.
419		Failure to comply with requisition to clean or close, etc. tank, well etc. or other source of water used for drinking	Rupees one hundred.
426		Failure to comply with requisition to enclose clear or clean uninhabited lands	Rupees one hundred.
427		Failure to comply with Requisition. to clear or cleanse plants in filthy state, noxious or in wild vegetation	Rupees one hundred.
428		Failure to secure trees adjacent to buildings or wells	Rupees one hundred.
429		Failure to comply with requisition to fence building or land or trim prune or cut hedges and trees or lower the	Rupees one hundred.

(3) (4) height of surrounding wall

Failure to comply with requisition to white wash or otherwise cleanse building	Rupees one hundred.
Failure to comply with requisition to execute work or take other action with respect to insanitary building buildings and fifty Rupees in	Rupees one hundred in the case of the case of hut.
Unlawful keeping of animal in such a way as to cause	Rupees fifty.

nuisance or danger	
Use of place as stable, cattle shed, etc. without licence or contrary to licence	Rupees one etc hundred.
Use of place as stable, cattle shed, etc., contrary to notice issued by the Secretary	Rupees one hundred.
Using a place for any of the purpose specified in the rules without licence or contrary to licence	Rupees five hundred
Unlawful establishment of factory workshop etc.	Rupees five hundred.
Violations of order regarding abatement of nuisance	Rupees five hundred.
Use of a place as slaughter-house without licence or contrary to licence	Rupees two hundred and fifty.
Carrying on milk trade without licence or contrary to licence	Rupees one hundred.
Open or kept open private market without licence or contrary to licence	Rupees one thousand.
Sale or exposure for sale animal or article in unlicenced private market	Rupees two hundred.
Construction or maintenance of stable cattle shed, etc. contrary to Act, or subordinate legislation	Rupees one hundred.
Carrying on butcher's, fishmonger's or poulter's trade without licence etc.	Rupees one hundred.
Using pubic place or the sides of a public street as public landing place etc.	Rupees one hundred
Open or kept open new private can stand without licence or contrary to licence	Rupees one hundred.
Using a place for the disposal of the	Rupees one

(1)	(2)	(3)	(4)
		the dead body without licence	thousand.
496		Failure to comply with requisition to cleanse or disinfect buildings or articles	Rupees one hundred.
504		Failure to close place of public entertainment	Rupees two hundred and fifty.

THE SIXTH SCHEDULE.

91[X XXX]

THE SEVENTH SCHEDULE

[See section 498 (4) (b)]

LIST OF INDUSTRIES WHICH REQUIRE

CLEARANCE 1. (a) Manufacture of Batteries.

(b) Manufacture of various parts of bicycles including tyres and tubes.

(c) Electrical lamps-tube lights and mercury bulbs and metal accessories like reflectors and shades.

(d) Manufactureof hand tools, machine tools, industrial and scientific instruments where cutting oil and heat treatment and chromium plating for electro plating are involved.

(e) Iron and steel where pickling is carried out.

(f) Manufacture of electrical or electronic parts like printed circuits, valves, involving acid treatment electroplating, solvent treatment.

(g) Telephone, Telegraph, Teleprinter etc. involvingelectroplating heat treatment of various parts and manufacture of letter types.

(h) l. Time pieces, watches involving plating and also manufacture of luminescent dial and other parts.

2. Chemicals and Fertilizers.

3. Dye stuffs.

4. Food products.

5. Leather tanning.

6. Mineral oil processing and reconditioning such as Engine oil, cutting oil and transformer oil.

Paints and varnishes

Paper manufacture of various types of paper including colour paper.

Pharmaceuticals

10.Internal combustion engines, diesel engines, radiator

11.Textile printing, dyeing, mercurising, bleaching etc.

Where the manufacture of articles under this category involves the use of water, acids, alkalis, chemicals and heat treatment resulting in solid, liquid and gaseous waste discharge causing pollution problems the cases should be referred to the health department.

91.Schedule VI omitted by Act 14 of1999, w.e.f. 24-3-1999.

THE EIGHTH SCHEDULE

(See section 448 (4) (c))

CATEGORIES OF INDUSTRIES WHICH REQUIRE CLEARANCE FROM THE FIRE FORCE DEPARTMENT.

1.Explosives
2.Fire works
3.Salt peter
4.Spirituous preparation
5.Sulpher
6.Tile Factories
7.Industries using L.P.G
8.Factory buildings with thatched sheds
9.Safety matches
10.Manufacture of acids

THE NINTH SCHEDULE

[See section 2 (12)]

LIST OF DANGEROUS DISEASES

AIDS
Acute
influenza,
pneumonia
Anthrax
Chicken-pox
Cholera
Diphtheria
Enteric fever
Glanderes
Rabies Plague
Tuberculosis
Typhoid fever
Influenza
Relapsing fever
Weils disease
Gastro enteritis