

THE KERALA DECENTRALISATION OF POWERS ACT, 2000

(Act 16 of 2000)

An Act to give effect to certain decentralisation proposals of the Government of Kerala.

Preamble.—whereas it is expedient to give effect to certain proposals of the Government of Kerala for decentralisation of powers to local self Government institutions in the State and for matters connected therewith or incidental thereto;

be it enacted in the Fifty-first year of the Republic of India a follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Decentralisation of Powers Act, 2000.

(2) Sub-section (2) of section 36, section 37 and section 38 shall come into force on such date as the Government may by notification in the Gazette appoint and the remaining provisions of this Act shall come into force at once.

2. *Amendment to Act III of 1082.*—In the Cochin Ferries and Tolls Act, 1082 (III of 1082),—

(1) in Section 2, after clause (4), the following clauses shall be inserted, namely:—

"(5) "Municipality" means a town panchayat, a municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(6) "Village Panchayat" means a village panchayat, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).";

(2) in section 3,—

(i) in the marginal heading for the word "Diwan" the words "A Municipality or a Village Panchayat" shall be substituted;

(ii) for the words "The Diwan may by notification in the Sirkar Gazette" the words "A Municipality or a Village Panchayat may with the prior permission of the Government" shall be substituted ;

(3) after section 3, the following section shall be inserted, namely:—

"3A. *Transfer of existing ferries to Municipalities and Village Panchayats.*—All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or the Village Panchayat as the case may be, for management.";

(4) for section 4, the following section shall be substituted, namely:—

"4. *Management of ferries and collection of ferry charges and tolls.*—Wherever any such ferries and toll gates shall have been established under section 3 or transferred under section 3A the village panchayat or municipality may lease out the right of levying ferry charges and tolls or appoint such persons as it thinks fit to take charge of and manage such ferries and toll gates and to collect such ferry charges and tolls under this Act. If such right is leased out, the lessee or his duly authorised agent shall thereupon be empowered to collect such ferry charges and tolls in the like manner as any person appointed as aforesaid and they shall maintain such vessels for the use of the ferry as may be directed by the village panchayat or municipality."

(5) in section 5,—

(i) in the marginal heading for the words "The Diwan" the words "A Municipality, or a Village Panchayat" shall be substituted;

(ii) for the words "The Diwan may from time to time, by notification in Sirkar Gazette", the words "The Municipality or the Village Panchayat may from time to time by notification" shall be substituted;

(iii) the following proviso shall be added, namely:—

"Provided that the rates for tolls shall be revised only with the prior permission of Government."

(6) in section 6, for the word "Diwan" in both the places where it occurs the words "a Municipality or a Village Panchayat" shall be substituted;

(7) in section 7 for the word "Diwan" in three places where it occurs the words "a Municipality or a Village Panchayat" shall be substituted;

(8) after section 7 the following section shall be inserted, namely:—

"7 A. *Power to take action for default by a Village Panchayat or a Municipality.*—(1) If, at any time, it appears to the Government that a Village Panchayat or a Municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1), the Government may, after giving a reasonable opportunity to the Village Panchayat or Municipality as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid

from the fund of the Village Panchayat or the Municipality as the case may be, within such time as may be specified by the Government." ;

(9) in section 8,—

(a) for the word "Diwan" in both the places where it occurs the words "a Municipality or a Village Panchayat." shall be substituted;

(b) for the words "he shall by notice" the words "it shall by notice" shall be substituted;

(10) in section 9, for the words "the Sirkar" the words "the Government or a Municipality or a Panchayat" shall be substituted;

(11) in section 10, for the words "prescribed by the Dewan's notification" the words and figure "prescribed under section 3" shall be substituted ;

(12) section 13 shall be omitted.

3. *Amendment to Act VI of 1096.*—In the Travancore Public Canals and Public Ferries Act, 1096 (VI of 1096),—

(1) in section 4, after the definition of the term "Master following definitions shall be inserted, namely:—

"Municipality" means a town panchayat, a municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) ;

"Panchayat" means a village panchayat, constituted under section 4 of the Kerala. Panchayat Raj Act, 1994 (13 of 1994).";

(2) in section 10, for the words "Our Government may establish" the words "The Municipality or the Panchayat may with the prior permission of the Government establish" shall be substituted;

(3) in section 11, for the words "Our Government may by notification in Our Government Gazette" the words "The Municipality or the Panchayat may by notification" shall be substituted;

(4) in section 12,—

(a) for the words "Our Government" the words "The Municipality or Panchayat" shall be substituted;

(b) The following proviso shall be added, namely:—

permission of the Government.";

(5) after section 12 the following section shall be inserted, namely:—

"12A. *Transfer of existing ferries to Municipalities and Panchayats.*—All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or the Panchayat as the case may be.";

(6) in sections 13 and 14 for the words "Our Government" wherever they occur the words "The Municipality or Panchayat" shall be substituted;

(7) After section 14 the following section shall be inserted namely:—

"14A. *Power to take action for default by a Municipality or a Panchayat.*—

(1) If, at any time, it appears to the Government that panchayat or a municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1), the Government may, after giving a reasonable opportunity to the panchayat or municipality, as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the panchayat or the municipality as the case may be within such time as may be specified by the Government.";

(8) Section 84 shall be omitted.

4. *Amendment to Act 11 of 1890.*—In the Madras Canals and Public Ferries Act, 1890 (Madras Act 11 of 1890),—

(1) in section 3 after the definition of the term "ferry" the following shall be inserted, namely:—

" "Municipality" means a town panchayat, municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

"Panchayat" means a village panchayat, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).";

(2) for section 6, the following sections shall be substituted namely:—

"6. *Power of a Municipality or a Panchayat to fix fees and rates toll and to establish toll stations.*—(1) The Panchayat or municipality may from time to

time—

(a) fix rates of fees payable for the licensing or registration of vessels;

(b) with the prior permission of the Government establish stations at which tolls shall be levied on vessels passing along a canal or on passengers, vehicles, animals or goods landed therefrom, and fix the rates of such tolls;

(c) fix fees for the use of public landing places, wharves piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses which are owned by them and provided for the accommodation of vessels using a canal or of goods or passengers carried or to be carried thereon and for demurrage on vessels or goods detained therein.

(2) An order of such tolls or fees under clauses (b) and (c) of sub-section (1) shall be exhibited to public view in English and in the vernacular language of the district at the places where such tolls or fees are leviable.

6A. Transfer of existing ferries to Municipalities and Panchayats.— All the existing ferries of the Government shall by virtue of this section be transferred to the Municipality or the Village Panchayat as the case may be, for management."

(3) for section 10, the following section shall be substituted namely:—

"10. Power of Municipality or Panchayat to provide for management of ferries.—(1) A Municipality or a Panchayat may—

(a) provide for the management of any public ferry; or

(b) authorise any person to convey passengers, animals, vehicles or goods across a channel by means of vessels at any public ferry.

(2) All vessels used by a person authorised under clause (b) of sub-section (1) shall be licensed and the Municipality or the Panchayat, as the case may be, may fix the fees payable for such licence.

(3) In the -cases referred to in clauses (a) and (b) of sub-section (1) the municipality or the panchayat may levy charges at such rates as they may fix upon passengers, animals, vehicles and goods conveyed across the ferry.

(4) A notice in English and Malayalam specifying the charges leviable at a ferry under sub-section (3) shall be exhibited to public view on each side of the ferry."

(4) after section 10, the following section shall be inserted, namely:—

"10A. *Power to take action for default by a Panchayat or a Municipality.*—(1) If at any time, it appears to the Government that a panchayat or a municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1), the Government may, after giving a reasonable opportunity to the panchayat or municipality, as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefor shall be paid from the fund of the Panchayat or the Municipality, as the case may be, within such time as may be specified by the Government.";

(5) Section 22 shall be omitted.

5. *Amendment to Act III of 1939*,—In the Madras Public Health Act, 1939 (Madras Act III of 1939),—

(1) in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of the Malabar District and the Kasargod taluk of south Kanara district as defined in clause (b) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)";

(2) Section 2 shall be omitted;

(3) in section 3,—

(a) clause (3A) shall be omitted;

(b) for clauses (8) and (9), the following clauses shall respectively be substituted, namely:—

"(8) "Executive Authority" means any functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or the local Tahsildar, as the case may be;

(9) "Executive Officer" means the paid officer, if any, of the local authority who is invested with general executive powers in the local area for which such authority is constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or any officer subordinate to the local Tahsildar, as the case may be; "

(c) for clause (20), the following shall be substituted, namely:—

"(20) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)";

(d) for clause (36) the following clause shall be substituted namely:—

"(36) "Urban local authority" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)";

(4) in section 4, —

(a) in sub-section (1), the words "of Madras" shall be omitted;

(b) and in subsequent sections for the words "Director of Public Health" wherever they occur the words "Director of Health Services" shall be substituted;

(5) for section 9, the following section shall be substituted namely :—

"9. *Appointment or nomination of health officer.*—(1) Every village panchayat and municipality shall have a Health Officer.

(2) Where in the area of a village panchayat or municipality there is no health officer posted, the Government may nominate a medical officer serving in any health institution under the control of the village panchayat or municipality, as the case maybe, to function as the Health Officer *ex-officio* of that village panchayat or municipality:

Provided that if no such medical officer as aforesaid is available for nomination, the Government may nominate a medical officer under the control of a nearby Village Panchayat or Municipality to function as the Health Officer *ex-officio*.";

(6) after section 16, the following section shall be inserted, namely:—

"16A. *Local authority to manage health institutions.*—(1) The local authority shall manage health institutions transferred to it by Government.

(2) No sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority.

(3) The Government may issue directions to the local authority on matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out.";

(7) section 143 B shall be omitted.

6. *Amendment of Madras Act 18 of 1943.*—In the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 (Madras Act XVIII of 1943),—

(1) to section 6, the following explanation shall be added namely:—

"Explanation.— For the purpose of this section, 'District Collector' means the Secretary as defined in clause (43) of section 2 of the Kerala Municipality Act, 1994 (Act 20 of 1994) or in clause (XL) of Section 2 of the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994)

(2) in sub-section (1) of section 7,—

(i) the words "Fort St. George" shall be omitted;

(ii) for the words "to any person or authority subordinate to the State Government" the words "to the Panchayat and Municipalities, as the case may be, constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act 1994 (20 of 1994) respectively", shall be substituted.

7. *Amendment to Madras Act VII of 1947.*—In the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947),—

(1) in section 2,—

(1) clause (a) shall be relettered as clause (aa), and before clause (aa) as so relettered the following clause shall be inserted namely:—

"(a) "Collector" means the Secretary as defined in clause (XL) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 1994) or in clause (43) of section 2 of the Kerala Municipality Act, 1994 (20 of 1994),";

(2) clause (d) shall be relettered as clause (db) and before clause (db) as so relettered the following clauses shall be inserted namely:—

"(d) "Municipality" means a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(da) "Panchayat" means a Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).".

(2) After section 2, the following section shall be inserted namely:—

"2A. Exercise of the powers of Government by the Panchayat or Municipality and its employees.—The powers conferred on the government under this Act except the powers under sections 7 and 20 shall, subject to such conditions and restrictions as may be prescribed, be exercised by Panchayat or the

Municipality or such other authority or officer as it may authorise, in respect of irrigation works other than major projects."

8. *Amendment to Madras Act 19 of 1949.*—In the Madras Irrigation Tanks (Improvement) Act, 1949 (Madras Act 19 of 1949),—

(1) in section 2, clause (a) shall be relettered as clause (aa) of that section and before clause (aa) as so relettered, the following clause shall be inserted, namely:—

"(a) "District Collector" means the Secretary as defined in clause (43) of section 2 of the Kerala Municipality Act, 1994 (20 of 1994) or as defined in clause (XL) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).";

(2) in Section 7,—

(a) in sub-section (1), the words "Fort St. George" shall be omitted;

(b) for clause (b) of sub-section 2, the following clause shall be substituted, namely:—

"(b) The delegation of the powers of the Government under section 3 to the Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or to the Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) or any other authority or any officer of the Government and the control and revision of the acts and proceedings of any such authority or officer."

9. *Amendment to Act 34 of 1950.*—In the Travancore-Cochin Fisheries Act, 1950 (34 of 1950),—

(1) in section 2, after the definition of "Fixed engine" the following definition shall be inserted, namely:—

" "local authority" means a village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);";

(2) in section 6 for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(3) in sub-section (1) of section 7, for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(4) in sub-section (1) of section 8, for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(5) to section 9, the following shall be added at the end, namely:—

"by a local authority";

(6) for the first proviso to section 11, the following proviso shall be substituted, namely:—

"Provided that the Government or the local authority may, in the interests of scientific research, exempt any person from taking out a licence under this Act.";

(7) in section 12, for the word "Government", the words "Government or local authority" shall be substituted;

(8) in section 17, for the word "Government", the words "Government or local authority" shall be substituted;

(9) in section 18, after the word "appeals", the words " the local authority" shall be inserted;

(10) in section 22,—

(i) in the proviso to sub-section (4), for the words "at rupees five per acre" the words "at rupees one hundred and twenty five per hectare" shall be substituted;

(ii) in sub-section (5), for the words "one hundred rupees" the words "five hundred rupees" shall be substituted;

(11) after section 23, the following section shall be inserted, namely:—

"23A. *Recovery of rents, fees, etc., on account of fishing leases and licences.*-- All rents, fees and other moneys payable to local authority on account of fishing leases and licences granted by it shall be recovered in like manner as if they were arrears of land revenue."

10. *Amendment to Act 23 of 1952.*—In the Travancore-Cochin Irrigation Tanks (Preservation and Improvement) Act, 1952 (23 of 1952),—

(1) in section 2,—

(a) for clause (i), the following clause shall be substituted, namely:—

"(i) "Collector" means the District Collector or Secretary of a village panchayat or a municipality notified by the Government for this purpose.";

(b) after clause (ii), the following clauses shall be inserted namely:—

"(iii) "Municipality" means a municipality constituted under section 4 of the

Kerala Municipality Act, 1994 (20 of 1994);

(iv) "Panchayat means a village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).";

(2) after section 3, the following section shall be inserted, namely:—

"3A. Exercise of the powers of Government by the panchayat or municipality.—The powers conferred on the Government under this Act except the power under sub-section (2) of section 7 shall be exercised by the Panchayat or Municipality or such authority or Officer as it may authorise subject to such conditions and restrictions as may be specified by the Government by notification in the Gazette."

11. *Amendment to Act 16 of 1955.—In the Travancore-Cochin Public Health Act, 1955 (XVI of 1955),—*

(1) in section 2,—

(a) clause (6A) shall be omitted;

(b) for clause (10), the following clause, shall be substituted, namely:—

"(10) "Executive Authority" means any functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or the local Tahsildar, as the case may be;"

(c) for clause (11), the following clause shall be substituted; namely:—

"(11) "Executive Officer" means the paid officer, if any, of a local authority who is vested with general executive powers in the area for which such authority is constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or any officer subordinate to the local Tahsildar, as the case may be;"

(d) for clause (21), the following clause shall be substituted, namely:—

"(21) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

(e) for clause (38), the following clause shall be substituted, namely:—

"(38) "urban local authority" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

(2) in section 3 and in the subsequent sections, for the words "Director of

Public Health" wherever they occur the words "Director of Health Services" shall be substituted;

(3) for section 7, the following section shall be substituted, namely:—

"7. *Appointment or nomination of Health Officer.*—(1) Every village panchayat and municipality shall have a Health Officer;

(2) Where in the area of a village panchayat or municipality there is no Health Officer posted, the Government may nominate a medical officer serving in any health institution under the control of the village panchayat or municipality, as the case may be, to function as the Health Officer *ex-officio* of that village panchayat or municipality:

Provided that if no such medical officer as aforesaid is available for nomination the Government may nominate a medical officer under the control of a nearby village panchayat or municipality to function as the Health Officer *ex-officio*.";

(4) after section 14, the following section shall be added namely:—

"14A. *Local authority to manage health institutions.*—(!) The local authority shall manage health institutions transferred to it by Government.

(2) No sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority.

(3) The Government may issue directions to the local authority on matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out.";

(5) Section 154A shall be omitted.

12. *Amendment to Act 3 of 1955.*—In the Madras Irrigation (Levy of Betterment Contribution) Act, 1955 (Madras Act 3 of 1955) after section 12, the following section shall be inserted, namely:—

"12A. *Exercise of the powers of Government by the Village Panchayat or the Municipality and its employees.*—The powers conferred on the Government under this Act except the power under section 13 shall, subject to such conditions and restrictions as may be prescribed, be exercised by the Village Panchayat or Municipality, as the case may be, constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994) respectively or such other authority or officer as it may authorise, in respect of irrigation works other than major projects.".

13. *Amendment to Act 7 of 1956.*—In the Travancore-Cochin Irrigation Act, 1956 (7 of 1956),—

(1) in section 2,—

(a) for clause (1), the following clause shall be substituted, namely:—

"(1) "Collector" means the District Collector or Secretary of a Panchayat or a Municipality notified by the Government for this purpose;"

(2) after clause (10), the following clause shall be inserted, namely:—

"(10a) "Municipality" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)";

(3) after clause (11), the following clause shall be inserted, namely:—

"(11a) "Panchayat" means a panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) ;";

(2) after section 3, the following section shall be inserted, namely :

"3A. *Exercise of the powers of Government by the Panchayat or the Municipality.*—The powers conferred on the Government under this Act except the power under section 42 shall, subject to such conditions and restrictions as may be prescribed, be exercised by the panchayat or municipality as the case may be or such other authority or officer as it may authorise, in respect of irrigation works other than major projects.";

(3) in sub-section (2) of section 4, the words "with the previous sanction of the State Government" shall be omitted;

(4) in section 6, for the word "Collector" the words "Local authorities" shall be substituted.

14. *Amendment to Act 9 of 1957.*—In the Kerala Khadi and Village Industries Board Act, 1957 (9 of 1957),—

(1) after clause (ii-a) in section 2, the following clause shall be inserted, namely:—

(ii-b) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).";

(2) in clause (a) of sub-section (2) of section 4, after the words "village industries" the words "of whom one shall be from among the District Panchayat

or a Chairperson of a municipality" shall be inserted;

(3) after sub-section (5) of section 10, the following sub-section shall be inserted, namely:—

"(6) The local authorities shall have power to supervise the schemes of the Board formulated and funded by them.";

(4) in section 15,—

(a) in sub-section (1), after the words "village industries and before the words "and perform" the following words shall be inserted, namely:—

"and to assist the local authorities in implementation of the Schemes for the development of Khadi and Village Industries;"

(b) in sub-section (2),—

(i) item (6) shall be omitted;

(ii) for item (6a) the following shall be substituted, namely:—

"(6a) to carry on trading activities by way of running emporia, neera bhavans, depots, manufacturing centres and the like on request from a Panchayat or Municipality or Institution aided by the Board or individuals. ";

(iii) for item (10), the following item shall be substituted, namely:—

"(10) to arrange for publicity and popularising of goods manufactured in Khadi and Village Industries by opening stores, shops, exhibitions and the like and to carry on such activities incidental and conducive to the objects of this Act and to perform such other functions as the Government may direct for the purpose of carrying out the objects of this Act;"

(5) in section 16,—

(a) in the first proviso to item (i) for the words "aforesaid-powers" the words "aforesaid powers except the power to acquire" shall be substituted;

(b) in item (ii), after the word "Government" the words "or local authorities" shall be inserted;

(6) for section 16A, the following section shall be substituted, namely :—

"16A. *Delegation of functions of the Board to local authorities.*—The Government may by order delegate the functions of the Board under this Act to the local authorities, subject to such conditions as may be specified in that order.";

(7) in section 17,—

(a) in sub-section (1), for the words "forward to the Government a programme of work" the words, figures and brackets "forward to the Government and the District Planning Committee constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994) a programme of work" shall be substituted;

(b) after sub-section(2), the following sub-section shall be inserted, namely:—

"(3) The District Planning Committee shall within one month from the date of receipt of the programme of work from the Board forward the same to the Government with its recommendations.";

(8) in section 18, the words "after due consideration of the recommendations of the District Planning Committees" shall be added at the end;

(9) in section 19, before the word and figure 'section 18' the word and figure 'section 17' shall be inserted;

(10) in section 19A, for the word 'Government' the words "Government and the District Planning Committee concerned" shall be substituted.

15. *Amendment of Act 8 of 1958.*—In the Kerala Land Conservancy Act, 1957 (8 of 1958),—

(1) in the Explanation IV to clause (1) of section 3, for the words "or to a municipal corporation" the words "or to any Panchayat as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or any municipality as defined in the Kerala Municipality Act, 1994 (20 of 1994)" shall be substituted;

(2) in section 15 after the words "any officer" the words "including the Secretaries of Panchayats and Municipalities" shall be inserted.

16. *Amendment to Act 18 of 1958.*—In the Kerala Lime Shells(Control) Act, 1957 (18 of 1958).—

(1) in sub-section (1) of section 2,—

(a) for clause (b), the following clause shall be substituted, namely:—

"(b) "Licensing Authority" means the Secretary of the local authority within whose jurisdiction the business of selling, collecting or stocking of lime shell is carried on or proposed to be carried on;"

(b) after clause (c), the following clause shall be inserted namely:—

"(cc) "local authority" means a Village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);";

(2) for sub-section (5) of section 3, the following sub-section shall be substituted, namely :—

"(5) Any person aggrieved by an order of the Licensing Authority under sub-section (3) or sub-section (4), may appeal to the village panchayat or municipality as the case may be within such time and in such form, as may be prescribed and the appeal shall be heard by the said authority in such manner as may be prescribed and the decision of that authority shall be final."

17. *Amendment to Act 32 of 1958.*—In the Kerala Cinema Regulation Act, 1958 (32 of 1958),—

(1) in section 2, after clause (1), the following clause shall be inserted, namely:—

"(1A) "Local Authority" means a village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) as the case may be;";

(2) in section 4, for the words "Executive authority" the word "Secretary" shall be substituted;

(3) in section 6,—

(a) in sub-section (1), for the words "the enactments specified in the Schedule as in force in any part of the State", the words, figures and brackets "the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994) shall be substituted;

(b) in sub-section (2), the words "and with the previous concurrence of the local authority concerned" shall be omitted;

(4) in section 10,—

(a) in sub-section (1), for the words "one thousand rupees" the words "ten thousand rupees" and for the words "one hundred rupees" the words "one thousand rupees" shall be substituted ;

(b) in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(5) the Schedule shall be omitted.

18. *Amendments to Act 6 of 1959.*—In the Kerala Education Act, 1958 (6 of 1959),—

(1) In section 2,—

(a) after clause (1), the following clause shall be inserted, namely:—

"(1A) "District Educational Authority" means district educational authority constituted under section 17;"

(b) after clause (3), the following clause shall be inserted, namely:—

"(3A) "Local Authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).";

(c) clause (4) shall be omitted.

(2) after section 5, the following sections shall be inserted, namely:—

"5A. *Management of Government Schools and Aided Schools taken over or acquired by Government.*—The management of every Government School and that of aided school taken over or acquired by the Government under section 14 or section 15, as the case maybe, shall vest as specified below, in the local authority noted against each, namely:—

- | | |
|--|--|
| (a) Pre-primary Schools and Primary schools in rural areas | Village Panchayat having jurisdiction over the area in which the school is situate. |
| (b) High Schools (including lower primary or upper primary section attached to high schools) and higher secondary schools in rural areas | District Panchayat having jurisdiction over the area in which the school is situate. |
| (c) Pre-primary schools, primary schools, Upper primary schools, high schools and higher secondary schools in urban areas | Municipality having jurisdiction over the area in which the school is situate |

5B. *Restriction on alienation of property of Government Schools.*—Notwithstanding anything contained in any law for the time being in force or in any decree, judgement or order of any court, no sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a Government School vested with a local authority under section 5A shall be made and such land shall not be used for any purpose other than educational purposes:

Provided that nothing contained in this section shall prohibit surrender of any such land with the permission of the Government for the purpose of widening of any road.";

(3) after section 10, the following section shall be inserted, namely:—

"10A. *Temporary appointment of teachers.*—Subject to such terms and conditions as may be prescribed by the Government, the local authority may make temporary appointment to any temporary vacancy of a teacher in any school under its management through the Employment Exchange from among persons who possess qualifications prescribed under section 10, and such appointment shall be made only upto the date of closing of the school for the annual vacation or till a regular candidate is appointed against such vacancy, whichever is earlier.";

(4) for sections 17 and 18, the following sections shall be substituted, namely:—

"17. *Establishment of District Educational Authority.*—(1) For the purpose of associating people with the administration of education and to preserve and stimulate local interest in education affairs, each District Planning Committee constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994), shall establish a District Educational Authority having jurisdiction in the district.

(2) The District Educational Authority shall consist of the following persons, namely:—

(a) the District Panchayat President, *ex-officio* who shall be its chairperson;

(b) the Chairperson of the standing committee for Health and Education in the District Panchayat, *ex-officio*;

(c) one woman elected from among the members of the standing committee for Health and Education in the District Panchayat;

(d) two persons elected from among the Presidents of the Village Panchayats, in the district of whom one shall be a woman;

(e) the Chairpersons of the Standing Committees for Health and Education of all the Municipalities in the District;

(f) the Deputy Director of Education, who shall be the *ex-officio* Member Secretary of the Committee;

(g) one person elected from among the Headmasters of the Government High Schools in the district;

(h) one person elected from among the Headmasters of Aided High Schools in the district;

(i) one person elected from among the Headmasters of Government Upper Primary and Lower Primary Schools in the district;

(j) one person elected from among the Headmasters of Aided Upper Primary and Lower Primary Schools in the district;

(k) two persons nominated by the Government from among educational experts;

(1) two representatives of the educational agencies in the district nominated by the Government.

(3) The term of office of the members other than the functionaries of the local authorities and *ex-officio* members shall be five years from the date of the first meeting of the District Educational Authority.

(4) An out-going member shall continue in office until the election or nomination, as the case may be, of his successor.

(5) The election of the members of the District Educational Authority shall be conducted in such manner as may be prescribed.

(6) The term of office of a member elected or nominated to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.

(7) It shall be lawful for the District Educational Authority to exercise its powers under this Act notwithstanding any vacancy in the Authority.

18. Functions of the District Educational Authority.—The District Educational Authority shall,—

(i) assess the educational needs of the district by conducting surveys or otherwise and prepare each year, schemes for the development of education

and submit the same to the District Planning Committee including the necessity, if any, for opening new school or upgrading of existing schools;

(ii) supervise the implementation of the schemes related to the health and nutrition of school children;

(iii) promote conferences, exhibitions or other measures calculated to create interest in education among the public; and

(iv) carry out such other functions as may be prescribed or entrusted by the District Planning Committee, as the case may be.

18A. *Educational Development Committee.*—(1) The local authority concerned shall constitute an Educational Development Committee consisting of such members as may be prescribed for each school under its management for attending to the welfare needs thereof.

(2) The Educational Development Committee shall create an educational development fund, in such manner as may be prescribed, for the purpose of meeting the expenses that may arise in connection with the development of the school.";

(5) In section 30, for the word "Government", the words "local authority" shall be substituted;

(6) In section 34 for the words "Education Department" the words "Education Department or the local authority" shall be substituted;

(8) For section 34A, the following section shall be substituted namely:—

"34A. *Drinking water and toilet facilities in schools.*—The manager of every aided school or recognised school shall arrange adequate toilet and drinking water facilities in the schools and furnish a report to the Secretary of the local authority on such arrangements before the beginning of each academic year.

(2) On receipt of a report under sub-section (1), the Secretary of the local authority or the officer authorised by him in this behalf shall inspect and certify the adequacy of the arrangements made by the manager under that sub-section.

(3) The local authority shall arrange adequate toilet and drinking water facilities in the schools the management of which are vested in it under section 7A."

19. *Amendment of Act 30 of 1960.*—In the Kerala Government Land Assignment Act, 1960 (30 of 1960) the existing section 3 shall be numbered as sub-section (1) of that section, and after the sub section so re-numbered, the following sub-section shall be inserted, namely:—

"(2) No Government land assignable for public purpose maybe assigned under sub-section (1) without consulting the local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) as the case may be, and if such local authority requires such land, for carrying out any of the functions assigned to it, Government may set apart such land for that purpose."

20. *Amendment of Act 37 of 1961.*—In the Kerala Survey and Boundaries Act, 1961 (37 of 1961), after section 4, the following section shall be inserted, namely:—

"4A. *Government may direct the survey and demarcation of any lands belonging to local authority.*—Whenever a local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994) requests the Government for surveying and demarcating the boundaries of any land vested or owned by it, the Government or any officer or authority authorised by the Government in this behalf, by notification in the Gazette shall get the land surveyed and demarcated."

21. *Amendment to Act 26 of 1961.*—In the Kerala Cattle Trespass Act, 1961 (26 of 1961)—

(1) In section 2,—

(a) clause (2) shall be omitted;

(b) for clause (3), the following clause shall be substituted, namely:—

"local authority" means a village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).":

(2) for section 3, the following section shall be substituted, namely:—

"3. *Establishment of pounds.*—(1) Pounds may be established at such places in each village panchayat or municipality if the local authority so decides.

(2) Any pound established in one local authority may be used by the adjacent local authority subject to the conditions as may be mutually agreed by the local authorities concerned."

(3) in section 5,—

(a) in sub-section (3), after the word "shall" the words "be as prescribed" shall be inserted.;

(b) clauses (a) and (b) of sub-section (3) shall be omitted;

(c) sub-section (4) shall be omitted;

(4) in sub-section (1) of section 9, for the words "twenty four", the word "twelve" shall be substituted;

(5) in section 10, the words "and such other officers as the Director may empower in this behalf" shall be omitted;

(6) in section 11,—

(a) the word "Director" wherever it occurs, shall be substituted by the words "local authority";

(b) in sub-section (3), the words "or where there is no municipal corporation, municipal council or panchayat, in such manner as the Government may from time to time direct" shall be omitted;

(7) in section 11A, for the words "Director" and "him" the words "local authority" and "it" shall respectively be substituted;

(8) in section 13.—

(a) in sub-section (1), the words "or to such officer as the Director specified in this behalf" shall be omitted;

(b) in sub-section (2) the words "or the other officer" and "by beat of drum" shall be omitted;

(c) in sub-section (3),—

(i) for the word "Director" the words "local authority" shall be substituted;

(ii) the words "or the said officer or any other officer subordinate to him deputed for that purpose" shall be omitted;

(iii) the proviso shall be omitted;

(9) in sub-section (1) of section 15, the words "or by such officer, as the case may be" shall be omitted;

(10) in sub-section (1) of section 17, the words "or where there is no Municipal Corporation, Municipal Council or Panchayat in such manner as the Government may from time to time, direct" shall be omitted;

(11) in sub-section(2) of section 18 the words "the Director or" and the words "or the Magistrate acting under Chapter V of this Act or a Civil Court, in writing, stating the reasons for such order," shall be omitted;

(12) in section 19, for the words "the District Magistrate or any Magistrate authorised to receive and try charges without reference by the Magistrate of the district" the words "local authority" shall be substituted;

(13) in sections 20 and 21 the words "the Magistrate" wherever they occur the words "Secretary of the local authority" shall be substituted;

(14) in section 22, for the words "in the manner provided for the recovery of fines under the Code of Criminal Procedure, 1898" the words "as if it were arrears of public revenue due on land" shall be substituted;

(15) section 31 shall be omitted.

22. *Amendment to Act 20 of 1961.*—In the Kerala Local Authorities Entertainments Tax Act, 1961 (20 of 1961),—

(1) in section 2, for clause (6), the following clause shall be substituted, namely:—

"(6) "Local authority" means a village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).";

(2) in section 3,—

(a) for the words "not less than fifteen per cent and not more than thirty per cent", the words "not less than twenty four percent and not more than forty eight percent" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that the rate thus fixed shall not be lower than the sum of the entertainment tax levied under this section and additional tax on entertainment levied under the Kerala Additional Tax on Entertainment and Surcharge on Show Tax Act, 1963 (22 of 1963) prevailing in the area prior to the date of commencement of the Kerala Decentralisation of Powers Act, 2000.";

(3) after section 3, the following section shall be inserted, namely:—

"3A. *Entertainment tax on seating capacity.*—Notwithstanding anything contained in sections 3 and 4, a local authority may levy entertainment tax

based on seating capacity in the manner prescribed.”;

(4) in section 6A,—

(a) in clause (a), for the words "twenty five rupees", the words "hundred rupees" shall be substituted;

(b) in clause (b), for the words "fifteen rupees", the words "sixty rupees" shall be substituted;

(5) sub-section (2) of section 7 shall be omitted;

(6) in section 9,—

(a) in sub-section (1),—

(i) for the words "Chairman of a municipal council or the resident of a Panchayat", the words "Chairperson of the municipality or President of the village panchayat" shall be substituted;

(ii) for the words "Director of Municipal Administration or the Director of Panchayats" the word "Government" shall be substituted;

(b) in sub-section (2), for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(7) in sub-section (1) of section 10,—

(a) for the words "two hundred rupees", the words "two thousand rupees" shall be substituted;

(b) after the words "liable to pay any tax", the words "including escaped tax" shall be inserted;

(c) the following explanation shall be inserted at the end, namely:—

*"Explanation.—*The term "escaped tax" shall mean and include any amount of tax detected or revealed to have been not paid or to have escaped assessment on a verification by the licensing authority or an authorised officer and calculated or assessed with details collected during his inspection or enquiry. Such assessment shall be presumed to be correct unless the assessee produces sufficient proof to rebut the calculation of the escaped tax.”;

(8) in sub-section (3) of section 12,—

(a) for the words "Director or such other officer not below the rank

of Deputy Director as may be authorised by him", the words "the Government or any officer authorised by the Government" shall be substituted;

(b) the words "provided that in the case of the bye-laws made by a municipal corporation the approval shall be that of the Government" shall be omitted;

(c) the Explanation shall be omitted.

23. *Amendment to Act 40 of 1963.*—In the Kerala Places of Public Resort Act, 1963 (40 of 1963),—

(a) for section 5, the following section shall be substituted, namely:—

"5. *Authority to whom application should be made.*—An application under section 4 shall be made to the Secretary of the municipality or the village panchayat as the case may be.";

(b) for sub-section (3) of section 11, the following shall be substituted, namely:—

"(3) The appeal shall lie to the council of the municipality or, as the case maybe, the village panchayat concerned.";

(c) in section 13, for the word "Government", wherever it occurs, the words, figures and brackets "the Appellate Tribunals constituted under section 271 S of the Kerala Panchayat Raj Act, 1994 (13 of 1994)" shall be substituted;

(d) in section 16,—

(i) in sub-section (1), for the words "five hundred rupees" the words "two thousand and five hundred rupees" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) The licensing authority may, subject to such restriction and control as may be prescribed, compound any offence punishable under this Act, or any rules or bye-laws made thereunder which may, by rules, be declared compoundable.".

24. *Amendment to Act 30 of 1963.*—In the Kerala Local Authorities Loans Act, 1963 (30 of 1963),—

(1) in section 2, for clause (i), the following shall be substituted, namely:—

"(i) "local authority" means any person legally entitled to the control or management of any local fund or legally entitled to impose any cess, rate, duty, fee or tax and includes the Panchayat or the Council of the Municipality, as the case may be, and also includes the Secretary of such local authority if he has been specifically authorised by the local authority for discharging the duties and functions under this Act.

Explanation.—A person means and includes any authority or body corporate.";

(2) in section 3, after sub-section (2). the following sub-section shall be inserted, namely:—

"(3) The borrowing powers of a local authority shall be fixed by the Government in relation to the annual income of that local authority.

Provided that nothing in this section shall affect the issuance of Revenue Bonds by the local authority by pledging the revenue stream from the project ring fenced by escrow accounts and credit enhancements."

25. *Amendment of Act 17 of 1964.*—In the Kerala Land Development Act, 1964 (17 of 1964),—

(1) in section 2,—

(a) before clause (b), the following clause shall be inserted , namely:—

"(a) "Board" means the Kerala Land Development Board constituted under section 3;"

(b) for clause (b), the following clause shall be substituted , namely:—

"(b) "Collector" means the Member-Secretary of the District Planning Committee constituted under the Kerala Municipality Act, 1994(20 of 1994);" ;

(c) for clause (c), the following clause shall be substituted namely:—

"(c) "District Committee" means the District Land Development Committee referred to in section 5;"

(2) after section 2, the following sections shall be inserted namely:—

"3. *Constitution of the Board.*—(1) The Government shall for the purpose of carrying out the provisions of this Act constitute Land Development Board.

(2) The Board shall consist of—

- (a) the Minister for Agriculture who shall be the Chairman;
- (b) the Minister for the Local Self Government who shall be the co-chairman;
- (c) the Agriculture Production Commissioner, *ex-officio*;
- (d) the Secretary, Agriculture, *ex-officio*;
- (e) the Secretary, Local Self Government, *ex-officio*;
- (f) the Secretary to Government, Department of Irrigation, *ex-officio*;
- (g) the State Land Use Commissioner, *ex-officio*;
- (h) the Chief Engineer in charge of Irrigation, *ex-officio*;
- (i) the Chief Conservator of Forest, *ex-officio*;
- (j) the Director of Agriculture, *ex-officio*;
- (k) the Vice Chancellor of Kerala Agriculture University, *ex-officio*;
- (l) the Director, Centre for Water Resources Development and Management, Kozhikode, *ex-officio*;
- (m) the Director, Centre for Earth Science Studies, Thiruvananthapuram, *ex-officio*;
- (n) the Director, Kerala Forest Research Institute, Peechi *ex-officio*;
- (o) nominee of Indian Council for Agriculture Research;
- (p) nominee of National Remote Sensing Agency;

(3) The Agriculture Production Commissioner shall be the Member-Secretary to the Board.

(4) All communications and orders of the Board shall be issued by the Member-Secretary or by such officer subordinate to him as may be authorised by the Board in this behalf.

4. *Functions of the Board.*—(1) The functions of the Board shall be,—

(a) to direct the District Committees for the preparation of draft schemes within their respective jurisdiction;

(b) to consider and approve the draft schemes prepared by the District Committees;

(c) to devise ways and means for the speedy execution of schemes sanctioned by the Board or Government;

(d) to fix the physical and financial targets for each district;

(e) to perform such other functions as may be specified in this Act or in the rules made thereunder;

(f) to advise Government on the strategies to be followed for land and water conservation as well as eco-restoration; and

(g) to advise Government on the priority areas, technology options, research needs and provide feed-back on works taken up.

(2) Without prejudice to the functions specified in sub-section (1), if any grant is made or loan advanced to the District Committee or Padasekharam Committee under section 18 to carry out any scheme, the Board shall take necessary steps to carry out the scheme by the officer or Padasekharam Committee appointed for the purpose in accordance with the terms and conditions under which such grant or loan is made or advanced and for that purpose the Board shall be competent to issue necessary instructions which shall be complied with by such officer or the Padasekharam Committee, as the case may be.

5. *Constitution of District Committees.*—The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) shall function as a District Land Development Committee in which the following persons shall also be included, namely:—

(a) the District Agriculture Officer;

(b) the District Soil Conservation Officer;

(c) the Executive Engineer in charge of Irrigation in the District;

(d) the Divisional Forest Officer having jurisdiction in the District."

(3) In section 7,—

(i) before clause (2), the following shall be inserted, namely:—

"(1) to make recommendations to the Board as to the area in the district for which schemes may be prepared."

(ii) for clause (2), the following shall be substituted, namely:—

"(2) to prepare schemes for areas in the district on the direction of the Board."

(iii) after clause (4), the following clauses shall be inserted, namely :—

"(5) to carry out the instructions issued by the Board from time to time.

(6) to issue approval for the schemes prepared."

(4) after section 7B the following sections shall be inserted, namely:—

"7C Watershed Committee.—(1) The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) may constitute Watershed Committee to assist the District Land Development Committee.

(2) The manner of constitution of Watershed Committee shall be such as may be prescribed.

*7D. Functions of the Watershed Committee.—*The Watershed Committee shall exercise such powers and discharge such duties as may be prescribed. "

(5) for section 12, the following section shall be substituted, namely:—

*"12. Power of the District Committee to sanction schemes.—*After considering the objections and the report and recommendations of the Inquiry Officer the District Committee may sanction a scheme:

Provided that every scheme sanctioned by the District Committee shall be registered in the Sub-Registry Office concerned in the manner prescribed."

(6) in section 14, sub-sections (2), (3) and (4) shall be omitted;

(7) after section 15, the following section shall be inserted, namely:—

*"15A. Power of Government to direct local authority to take up schemes.—*Notwithstanding anything contained in this Act, the Government may direct any local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994) to take up schemes for watershed management in the priority areas based on the advice of the Board."

Animal Diseases Act, 1967 (4 of 1967), in clause (a) of sub-section (5) of section 17,—

(a) for item (i). the following item shall be substituted, namely:—

"(i) in the office of the village panchayat or the municipality, as the case may be, within the jurisdiction of which the infected area is situated and in the local veterinary institution and in the Krishi Bhavan ; ";

(b) in item (ii), for the words "in the office of the National Extension Block", the words " in the office of the Block Panchayat shall be substituted.

27. *Amendment of Act 20 of 1967.*—In the Kerala Irrigation Works (Execution by joint Labour) Act, 1967.—

(1) in section 2,. the existing clause (a) shall be relettered as clause (aa) of that section and before clause (aa) as so relettered the following clause shall be inserted, namely:—

"(a) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala .Municipality Act, 1994 (20 of 1994).";

(2) in section 3,—

(a) in sub-section (1), for the words "or any other officer" the words "or agricultural officers of local authority" shall be substituted;

(b) in sub-section (3). for the words "or such other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(3) in section 4,—

(a) in sub-section (1), for the words "or any other officer" and "or such other officer" the words "or the agricultural officer of the local authority" shall respectively be substituted;

(b) in sub-section (2), for the words "or other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(c) in sub-section (3), for the words "or any other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(d) in sub-section (4), for the words "or any other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(e) in sub-section (5), for the words "or other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(4) in section (5), for the words "or the officer" the words "or the agricultural officer of the local authority" shall be substituted.

28. *Amendment to Act 2 of 1969.*—In the Kerala Parks, Play fields and Open spaces (Preservation and Regulation) Act, 1968,—

(1) in section 1,—

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) It shall apply to every municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) and every village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).";

(ii) sub-section (5) shall be omitted;

(2) in section 2,—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) "Executive Authority" means the Secretary of the municipality or the village panchayat as the case maybe;";

(ii) after clause (a), the following clause shall be inserted namely:—

"(aa) "local authority" means the village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).";

(3) in sub-section (4) of section 4,—

(a) for the words "to the Government in writing", the words "to the Appellate Tribunal constituted under section 271S of the Kerala Panchayat Raj Act, 1994" shall be substituted;

(b) in sub-section (5), for the word "Government" the words "the Appellate Tribunal" shall be substituted;

(c) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) The Appellate Tribunal shall cause the list as received under

sub-section (5) to be published in the Gazette.";

(4) in section 5,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The local authority concerned may, at any time, either suo motu or on the request of any person interested add to, vary or revoke a list published under section 4 after following the procedure in section 5.";

(ii) in sub-section (2),—

(a) for the word "Government" the words "local authority" shall be substituted;

(b) the words "the local authority or" shall be omitted;

(iii) in sub-section (3), for the word "Government" the words "local authority" shall be substituted;

(iv) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) The Government shall have power to add to the list only after consulting the local authority.";

(e) in section 13,—

(i) in the marginal heading, for the words "Control of Government" the words "Role of Government" shall be substituted;

(ii) in sub-section (2), for the words and figures, "Ss. 41, 41A and 42 of the Kerala Municipal Corporation Act, 1961 (30 of 1961) or Ss. 43 and 49 of the Kerala Municipalities Act, 1960 (14 of 1961) or Ss. 48 and 56 of the Kerala Panchayat Act, 1960 (32 of 1960)", the words and figures "sections 188 and 194 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or sections 56 and 61 of the Kerala Municipality Act, 1994 (20 of 1994)" shall be substituted.

(f) section 13A shall be omitted.

29. *Amendment of Act 25 of 1968.*— In the Kerala Public Buildings (Eviction of Un authorised Occupants) Act, 1968 (25 of 1968),—

(1) in section 2, for clause (b), the following clause shall be substituted, namely:—

"(b) "local authority" means a panchayat at any level constituted under the Kerala Panchayat Raj Act, 1994 or a Municipality constituted under

the Kerala Municipality Act, 1994 or any other authority, by whatever name called, constituted under any law for the time being in force for the development of any local area;".

(2) in section 3, for sub-clause (i) of the proviso to clause (a), the following sub-clause shall be substituted, namely:—

"(i) In the case of a local authority, the Secretary of the local authority and in the case of any other authority, the executive authority of that authority."

30. *Amendment of Act 19 of 1971.*—In the Kerala State Housing Board Act, 1971 (19 of 1971),—

(1) in section 2, after clause 9, the following clause shall be inserted, namely:—

"(9A) "local authority" means a Panchayat at any level constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under the Kerala Municipality Act, 1994 (20 of 1994);

(2) in section 4,—
(a) in clause (c),—

(i) for the word "nine" the word "eleven" shall be substituted ;

(ii) after the words "Scheduled Tribes" the words "and of whom two shall be from among the Presidents or Chairpersons of the local authorities" shall be inserted;

(b) after clause (c), the following proviso shall be added, namely:—

"Provided that the term of office of a member nominated from among the Presidents or Chairpersons of the local authorities shall be co-terminus with the term of his office as such President or Chairperson.";

(3) after sub-section (2) of section 39, the following sub-section shall be inserted, namely:—

"(3) At the instance of the local authority and with the approval of the Government, the Board shall frame and execute such Schemes for poramboke dwellers and homeless poor as may be proposed by any local authority and approved by Government.

(4) The expenses for execution of the scheme shall be met from a separate fund, namely the Relief Fund to be administered by the Board to which interested persons, institutions, Government owned companies and Corporations, the local authorities and the Board may contribute periodically.";

(4) after sub-section (2) of section 41, the following sub-section shall be inserted, namely:—

"(3) In respect of loans and advances to private individuals having government subsidy, the selection of beneficiaries shall be made by the local bodies on the basis of norms fixed by the Board and all complaints regarding the selection of the beneficiaries shall be settled by the Board. The local bodies shall render necessary assistance to the Board for the recoveries of dues from the beneficiaries for sue schemes."

(5) in sub-section (1) of section 45, after the words "the Board may, frame" the words "with the previous approval of the local authority concerned" shall be inserted;

(6) in clause (d) of sub-section (1) of section 46, the words "in consultation with the local authority concerned" shall be inserted at the end;

(7) in section 53, for the words "executive officer" the words "Secretary of the local authority" shall be substituted;

(8) for sub-section (1) of section 60, the following shall be substituted, namely:—

"(1) Where a street scheme or any other scheme has the approval of the local authority concerned, such of the provisions of the Kerala Municipality Act, 1994 (20 of 1994) and the Kerala Panchayat Raj Act, 1994 (13 of 1994) as relate to maintenance or repairs of public streets, closure of public streets or parts thereof diverting or turning public streets or parts thereof and in disposal of the land which is no longer required when any public street is permanently closed shall not apply to any street vested in the Boar under such scheme.";

(9) after section 156, the following section shall be inserted namely:—

"156A. *Implementation of housing scheme for economically weaker sections.*—(1) Any scheme intended to benefit the economically weaker sections in the rural or urban area may be planned by the Board in association with the local authority concerned and as far as possible shall be executed by such local authority with the technical advice of the Board, if so required.

(2) The local authority may prepare plan and implement schemes for rural or urban housing for economically weaker sections in which case the Board shall render necessary technical advice."

31. *Amendment to Act 25 of 1972.*—In the Kerala Plant Diseases and Pests Act, 1972 (15 of 1972),—

(1) in section 2,

(i) clause (b) shall be omitted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(cc) "local authority" means a district panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994(13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).";

(2) in clause (d) of section 3, for the words "the District Collector" the words "the local authority" shall be substituted;

(3) for the words "the District Collector" occurring in sub section (1) of section 4, sub-section(1) of section 7, clauses (a) and (b) of sub-section (1) of section 8, sub-sections (1), (2) and (3) of section 9 and section 12, the words "Secretary of the local authority" shall respectively be substituted;

(4) in section 12, for the words "All Village Officers, Village extension officers", the words "The Agricultural Officers in charge of a village panchayat area or a municipal area" and for the words" make a further report to the Government" the words "make a report to the local authority concerned and the Government" shall respectively be substituted;

(5) for section 13, the following shall be substituted, namely:—

"13. *Appointment of Inspecting Officers.*—The Government or the local authority concerned may appoint Agricultural Officers in charge of village panchayat area or municipal area as Inspecting Officers thereof."

32. *Amendment to Act 19 of 1976.*—In the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), for section 19, the following section shall be substituted, namely:—

"19. *Sharing of the proceeds of tax with local authorities.*—From the proceeds of the tax collected under this Act every year, there shall be paid before the end of the succeeding year to each local authority such share thereof as the Government may from time to time fix with reference to the recommendation, if any, made in this behalf by the State Finance Commission constituted under Article 243 1 of the Constitution of India."

33. *Amendment to Act 5 of 1977.*— In the Kerala Tolls Act, 1976 (6 of 1977),—

(1) in section 2 after clause (c), the following clause shall be inserted, namely:—

"(ca) "Local Authority" means a panchayat at any level constituted

under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);";

(2) after section 3A, the following section shall be inserted namely:—

"3AA. *Levy of Toll by local authorities.*—(1) Notwithstanding anything contained in section 3 or section 3A, a local authority may levy a toll on every motor vehicle entering a bridge constructed by it on any road or land vested in it utilising wholly or partly its own funds or funds raised by it by loans from financial institutions, and declared open for traffic on or after 1st day of April 2000.

(2) The toll under section (1) shall be levied at such rate and for such period as the local authority may declare to be necessary for the recovery of the amounts expended upon such bridge by the local authority or such portion thereof as may be decided by the local authority together with interest and other overhead charges, at such rates as it may fix.

(3) The toll leviable under this section shall be collected by the local authority in such manner and in accordance with such rules as may be prescribed.

(4) A local authority may take up works on construction of bridges on build operate-transfer basis by giving concession on collecting tolls to the private investor in such manner as may be prescribed."

34. *Amendment to Act 14 of 1986.*—In the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986),—

(1) after sub-section (4) of section 18A, the following sub section shall be added, namely:—

"(5) The Authority shall render necessary technical services to the local bodies for planning, execution and running of water supply and sewerage schemes in the manner prescribed by Government.

(6) Every local body is free to start their own water supply and sewerage scheme either individually or as group of local bodies and to fix their own user charges as may be prescribed."

(2) after section 18A, the following section shall be inserted, namely:—

"18B. *Power of Authority to transfer water supply and sewerage services to local bodies.*— (1) Notwithstanding anything contained in this Act, the Authority,—

(a) shall transfer any water supply scheme or sewerage service

covering the area of a single village panchayat; and

(b) may transfer any water supply scheme or sewerage service covering the area of a single municipality; on a request from such village panchayat or the municipality, as the case may be in the manner, as may be prescribed.

(2) The Authority may, if they consider it necessary to do so, transfer any water supply or sewerage services to the village panchayat or the municipality concerned in the manner as may be prescribed.

(3) The Authority shall render all necessary technical services to the local bodies for planning, execution and running of water supply and sewerage services of which are transferred under sub-sections (1) and (2) in the manner as may be prescribed.

(4) The Authority may collect from the local bodies concerned necessary tariff for street taps provided by it within the local limits of the said local bodies at the rates as may be fixed by Government."

(3) after sub-section (3) of section 40, the following subsection shall be added, namely:—

"(4) For schemes operated by the Authority, necessary tariff for street taps may be collected from the local bodies at the rate fixed by the Government. Government may deduct the tariffs from grants due to the local bodies. Where any doubt or dispute arises between the local body and the Authority in regard to the assessment of the tariff such doubt or dispute shall be referred to an appellate authority prescribed by the Government and its decision thereon shall be final."

35. *Amendment to Act 15 of 1989.*— In the Kerala Public Libraries (Kerala Grandhasala Sanghom) Act, 1989 (15 of 1989),—

(1) in sub-section (2) of section 3, after the words "elected by the general body of District Library Council" the words "three members elected from among the District Panchayat members of the State one member elected from among the Councillors of the municipalities of the State", shall be inserted;

(2) in clause (i) of sub-section (1) of section 8, items (iv) and (vi) shall be omitted;

(3) the proviso to sub-section (1) of section 10 shall be omitted;

(4) in sub-section (1) of section 11,—

(i) in clause (b), the last word "and" shall be omitted;

(ii) after clause (c), the following clauses shall be inserted namely:—

"(d) one member elected from among the District Panchayat members; and

(e) one member elected from among the Councillors of the Municipalities in the district.";

(5) the proviso to sub-section (1) of section 18 shall be omitted;

(6) for sub-section (1) of section 19, the following sub-section shall be substituted, namely:—

"(1) Every Taluk Library Council shall consist of,—

(a) two members elected from among the village panchayat presidents in the taluk;

(b) one member elected from among the municipal chair persons (if any) in the taluk; and

(c) two representatives of each affiliated library in the taluk.";

(7) in sub-section (1) of section 29, after the words "District Library Council may" the words "in consultation with the District Planning Committee" shall be inserted;

(8) in section 48,—

(i) for sub-section (2) and the proviso thereunder, the following shall be substituted, namely:—

"(2) Notwithstanding anything contained in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipal Act, 1994 (20 of 1994), the cess levied under sub-section (1) shall be collected in an area within the jurisdiction of a village panchayat, by that village panchayat and in an area within the jurisdiction of a municipality, by that municipality as if the cess were a property tax payable under the said Acts as the case may be, and the provisions of the said Acts as far as the procedure for collection of tax shall apply accordingly.";

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The cess collected under sub-section (2), less collection charges at the rate specified by the Government, shall be paid to State Library Council by

the village panchayat or the municipal as the case may be, within three months from the date of such collection:

Provided that the cess collected by a municipality or a village panchayat under this Act is not paid on or before the due date, the concerned local authority shall pay the said amount to the State Library Council together with penalty at the rate of two per cent per mensem from the date from which it was due:

Provided further that the Secretary and President or Chairperson of the local authority concerned shall be jointly responsible for all belated payments and any amount paid to the State Library Council by way of penalty shall be realised from such Secretary and President or Chairperson of the local authority."

36. Repeal of certain enactments and savings.—(1) The Kerala Hackney Carriages Act, 1963 (18 of 1963) and the Kerala Additional Tax on Entertainments and Surcharge on Show Tax Act, 1963 (22 of 1963) are hereby repealed:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed.

(2) Subject to the provisions contained in sections 37 and 38, the Kerala State Rural Development Board Act, 1971 (15 of 1971) is hereby repealed.

37. Transfer of assets and liabilities of the Rural Development Board to the Government.—(1) On the date of coming into force of this section Kerala State Rural Development Board constituted under the Kerala State Rural Development Board Act, 1971 (15 of 1971) (hereinafter referred to as the Board) shall stand dissolved and all its assets and liabilities shall stand transferred to and vested in the Government.

(2) The assets of the Board shall be deemed to include all rights and powers and all property, whether movable or immovable, belonging to or vested in the Board including in particular cash balance reserve funds, provident fund, superannuation fund, investments, deposits and all other interests and rights in or arising out of such property as may be in the possession of the Board and all books of account or documents kept or maintained by the Board and the

liabilities of the Board shall be deemed to include all debts, liabilities and obligations of whatever kind then existing and pertaining to the Board.

38. *Effect of vesting of assets and liabilities of the Board.*—(1) Unless otherwise expressly provided by or under this Act, all contracts and agreements and other instruments of whatever nature subsisting or having effect immediately before the date of coming into force of this section and to which the Board is a party or which are in favour of the Board shall be of as full force and effect against or in favour of the Government as the case may be and may be enforced or acted upon as fully and effectually as if, instead of the Board, the Government had been a party thereto or as if they had been entered in to or issued in favour of the Government.

(2) If on the date of coming into force of this section any suit, appeal or other legal proceedings of whatever nature by or against the Board is pending, then, it shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to Government of the assets and liabilities of the Board but the suit, appeal or other legal proceedings may be continued, prosecuted and enforced by or against the Government.

(3) Every whole time employee of the Board shall, on the date of coming into force of this section, become an employee of the Government with such designation as the Government may determine and shall hold his office therein by the same tenure, at the same remuneration and on the same terms and conditions of service and with the same rights and privileges as to pension and gratuity, if any, and other matters as he would have held the same if this Act had not been passed.

(4) If any question arises as to whether any person was whole time employee of the Board, the question shall be decided by the Government and the decision of the Government shall be final;

(5) Notwithstanding anything contained in section 37, the Government may, by order in writing,—

(a) direct that the assets and liabilities of the Board vested in them under that section shall instead of continuing to vest in the . Government vest in a company to be constituted by the Government for arranging institutional finance to panchayats and municipalities; or

(b) entrust to a panchayat or a municipality for management for such period and on such terms and conditions as may be specified in the order; and

(c) direct that the whole time employees of the Board transferred to Government shall stand transferred to the company referred to in clause (a) with effect from such date as may be specified in the order.

