

Kerala District Administration Act, 1979

KERALA

India

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Act 7 of 1980

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Kerala District Administration Act, 1979(Act 7 of 1980)Last Updated 11th February, 2020Received the assent of the President on the 18th day of May, 1980 and published in the Kerala Gazette Extraordinary No. 362 dated 27th May, 1980.An Act to provide for a decentralised system of administration at the district Hon'ble constituting district councils.Preamble. - Whereas it is necessary to provide for a demo-creation and decentralised system of administration at district level by constituting district councils and delegating certain powers and functions of the State government to such district councils;Be it enacted in the Thirtieth Year of the Republic of India as follows:-

Chapter 1 Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Kerala District Administration Act, 1979.(2)It extends to the whole of the State of Kerala.(3)It shall come into force on such date as the Government may, by notification in the Gazette, appoint:Provided that different dates may be appointed for different areas and for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Commissioner for Local Government" means an officer not below the rank of a Secretary to Government appointed by the Government to perform the functions of the Commissioner for Local Government under this Act in respect of district councils and local governments;(b)"Director of elections" means the Chief Electoral Officer as defined in the Representation of the People Act, 1951 (central Act 43 of 1951);(c)"district" means

a district as notified by the Government;(d)"district council" means a district council constituted under section 3.(e)"Examiner of Local Fund Accounts" means the Examiner of Local Fund Accounts appointed by the Government ;(f)"Local Government" means in any city, the municipal corporation of the city concerned, in any municipality, the municipal council concerned, in any panchayat area, the panchayat concerned and in any area within the jurisdiction of a township, the township committee concerned;(g)"member" means a member of the district council including an ex-officio member;(h)"municipal corporation" means the municipal corporation of a city constituted under the Kerala Municipal Corporations Act, 1961 (30 of 1961);(i)"municipality" means a municipality constituted under the Kerala Municipalities Act, 1960 (14 of 1961);(j)"Panchayat" means the body constituted or deemed to have been constituted for the local administration of a Panchayat area under the Kerala Panchayats Act, 1960 (32 of 1960) ;(k)"Panchayat area" means any local area declared or deemed to have been declared as such under the Kerala Panchayats Act, 1960 (32 of 1960) ;(l)"prescribed" means prescribed by rules made under this Act ;(m)"President" means the President of the district council ;(n)"rank" in relation to an officer means his rank as determined by the Government on the basis of scale of pay or of the precedence assigned to him in the Table of precedence ordered by the Governor of Kerala from time to time ;(o)"Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as in the Constitution of India ;(p)"Secretary" means the secretary of the district council ;(q)"township" means the-Guruvayoor Township specified in section 2 of the Guruvayoor Township Act 1961 (43 of 1961) ;(r)"Vice-President" means the vice-president of the district council;(s)words and expressions used but not defined in this Act, but defined in the Kerala Panchayats Act, 1960 (32 of 1960), shall have the meanings respectively assigned to them in that Act.

Chapter II

District Councils

3. Constitution of district councils.

(1)The Government shall, by notification in the Gazette, constitute a district council for each district with effect from such date as may be specified in the notification.(2)Every district council shall be a body corporate by the name of the district, having perpetual succession and a common seal with power to acquit, hold and dispose of property, both movable and immovable, and to contract and shall, subject to any restriction or qualification imposed by or under this Act, or any other law for the time being in force, by the said name sue and be sued and do all things necessary, proper or expedient for the purposes for which it is constituted.

4. Composition of district councils.

(1)Every district council shall consist of such number of members as the Government may, by notification in the Gazette, fix in accordance With the scale of one member for every fifty thousand or part thereof of the population of the district, elected in the manner prescribed.(2)The members.of the Legislative Assembly representing any area comprised in one district shall be ex-officio members of the district council of that district.(3)A member nominated to the Legislative Assembly shall be an

ex-officio member of the district council of the district in which he ordinarily resides.(4)Nothing contained in sub-section (2) or sub-section (3) shall be deemed to prevent any member of the Legislative Assembly from standing for election and becoming a member of the district council and in such case he shall cease to be an ex-officio member of the district council.(5)An Ex-Officio member referred to in sub-section (2) or sub-section (3) or an elected member referred to in sub-section (4) shall, subject to the provisions of this Act, have all the rights of a member provided in this Act, but shall not be entitled to hold office as the President or Vice-President of the district council or as the Chairman or a member of any standing committee of the district council or any other office under the district council :Provided that if an elected member referred to in sub-section (4) resigns his membership of the Legislative Assembly or otherwise ceases to be a member of the Legislative Assembly, he shall have all the rights of a member provided in this Act.

5. Reservation of seats for Scheduled Castes and Scheduled Tribes.

(1)In every district council, seats shall be reserved for Scheduled Castes.(2)The number of seats reserved under sub-section (1) shall be determined by the Government and the number of seats so determined shall be ten percent of the total number of members of the district council fixed under sub-section (1) of section 4, or shall bear, as nearly as may be, the same proportion to the total number of seats in the district council as the population of the Scheduled Castes in the district bears to the total population of the district, whichever is higher.(3)In every district where the population of the Scheduled Tribes is ten thousand or more, one seat shall also be reserved for the Scheduled Tribes in the district council of that district.(4)Nothing contained in sub-sections (1) and (3) shall be deemed to prevent members of the Scheduled Castes or the Scheduled Tribes from standing for election to the non-reserved seats in the district council.

6. Nomination of women.

(1)Every district council shall nominate two women, in the manner prescribed, to be its members.(2)No person shall be nominated under sub-section (1) unless she is qualified to be a member of the district council in accordance with the provisions of this Act.(3)A member nominated under sub-section (1) shall, subject to the provisions of this Act, have all the rights of a member provided in this Act, but shall not be entitled to hold office as the President or the Vice-President of the district council or as the Chairman or a member of any standing committee of the district council or any other office under the district council.(4)The term of office of a member nominated under sub-section (1) shall expire at the time at which it would have expired if such member had been elected at an ordinary election.(5)A casual vacancy in the office of a member nominated under sub-section (1) shall be filled by a fresh nomination made by the district council in the manner provided in that sub-section:Provided that no such nomination shall be made by the district council within three months before the retirement of its members by efflux of time.(6)A member nominated under sub-section (5) shall hold office only so long as the member in whose place she is nominated would have been entitled to hold office if the vacancy had not occurred.

7. Division of district into divisions.

(1) For the purpose of the election of the members of the district council, the Director of elections shall, by notification in the Gazette, - (a) divide the district into as many divisions as there are seats and fix the boundaries of such divisions in such manner that no Panchayat area or ward of a municipality or the division of a city is split into two or more parts: Provided that the population of the divisions shall, as far as practicable, be equal; and (d) determine in such manner as may be prescribed the division or divisions which shall be reserved for the Scheduled Castes or the Scheduled Tribes. (2) The Director of elections shall - (a) publish his proposals in regard to the matters mentioned in sub-section (1) in the Gazette together with a notice specifying the date on or after which the proposals will be further considered by him and inviting objections and suggestions with respect to the proposals before a date specified in the notice; (b) consider all objections and suggestions which may have been received by him before the date so specified; and (c) make an order delimiting the divisions specifying therein the division or divisions which shall be reserved for the Scheduled Castes or the Scheduled Tribes. (3) An order made by the Director of elections under this section shall not be called in question in any court of law.

8. Power to rectify printing mistakes etc.

- The Director of elections may, from time to time, by notification in the Gazette, correct, any printing mistake in any order made under section 7 or any error arising therein from an inadvertent slip or omission.

9. Qualification for membership.

- A person shall not be qualified to be chosen to fill a seat in a district council unless he, - (a) is an elector of any division in the district and makes and subscribes before the Returning Officer or any other person authorised by the Director of elections in that behalf an oath or affirmation according to the form set out for the purpose in the Second Schedule; (b) is not less than twenty-one years of age; and (c) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes, belongs to any Scheduled Caste or Scheduled Tribe, as the case may be.

10. Electors and electoral rolls.

(1) The persons entitled to vote at the election of members shall be the persons registered as voters at elections to the local Governments. (2) The authority prescribed shall periodically publish, at such intervals as may be prescribed by the Government at the electoral rolls for the divisions or portions of divisions of the district.

11. Right to vote.

- Every person whose name is for the time being entered in the electoral roll of a division or portion of a division published under sub-section (2) of section 10, shall be entitled to vote at the elections of

a member from that division.

12. Disqualification of employees.

- No employee of a district council or the State Government or the Central Government or a corporation controlled by the Government or a local Government shall be qualified for election or for holding office as a member of a district council: Provided that in the case of persons employed by a corporation controlled by the Government, the disqualification under this section shall operate only in respect of such of the employees of the corporation who are employed in a supervisory capacity or mainly in a managerial or administrative capacity.

13. Disqualification of persons convicted of election offences.

- Every person convicted of an offence punishable under Chapter IXA of the Indian Penal - Code or under any law of rule relating to the infringement of the secrecy of an election, shall be disqualified from being elected in any election to which this Act applies or from holding the office of member for a period of five years from the date of his conviction or for such shorter period as the court may by order determine: Provided that in the case of a person holding the office of member, a disqualification under this section shall not take effect until three months have elapsed from the date of his conviction or if within that period an appeal or application for revision is filed in respect of his conviction until that appeal or application is disposed of by the court.

14. Disqualification of candidates.

(1) A person who has been sentenced by a criminal court to imprisonment for a period of more than two years for any offence involving moral delinquency (such sentence not having been reversed) shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof. (2) A person shall be disqualified for election as a member if at the date of election, he - (a) has been adjudged to be of unsound mind; or (b) has voluntarily acquired the citizenship of a foreign State; or (c) has been sentenced by a criminal court for any electoral offence punishable under the law relating to elections to local Government or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and five years have not elapsed from the date of such sentence or disqualification; or (d) is an applicant to be adjudicated an insolvent or an undischarged insolvent; or (e) is interested in a subsisting contract made with, or any work being done for, the district council, except as a share-holder (other than a director) in a company or except as permitted by rules made under this Act. Explanation. - A person shall not by reason of his being a director, member or office bearer of a co-operative society or of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the district council 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 district council, be disqualified under this section; or (f) is engaged as a legal practitioner on behalf of the district council; or (g) is an Honorary Magistrate or a Judge of a Village Court with jurisdiction over part of the district; or (h) is already a member of the district council whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the district council whose term of office has not yet

commenced ; or(i)is dismissed from the service of the Government or any other service recognised by the Government, for corruption and five years have not elapsed from the date of such dismissal(j)is debarred from practising as an Advocate or Vakil; or(k)is a leper or a deaf-mute.

15. Procedure for elections.

- Subject to the rules made in this behalf by the Government, the Director of elections shall regulate the procedure for the conduct of elections.

16. Term of office of members.

(1)The term of office of members of a district council shall, save as other wise expressly provided in this Act, be five years from the date of constitution or reconstitution of that district council.(2)The Government may, by notification in the Gazette, for sufficient cause which shall be stated therein, direct that the term of office of the members of any district council be extended by such period not exceeding six months as may be specified in the notification.(3)Ordinary vacancies in the office of members shall be filled at ordinary elections which shall be fixed by the Government to take place on such day or days within three months before the occurrence of the vacancies as they think fit.(4)A casual vacancy in the or office of a member shall be filled at a bye-election which shall be fixed by the Director of elections to take place within three months after the occurrence of the vacancy.(5)No bye-election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement of members by efflux of time.(6)A member of the district council elected at a bye-election shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.(7)No person shall be entitled to stand for election for more than one seat in the district council. -

17. Special elections.

- If at an ordinary election or bye-election no person is elected to fill the vacancy a fresh election shall be held for such vacancy on such day as the Director of elections may fix.

18. Appointment of Administrative Committee.

(1)A district council shall be deemed to be constituted only when the majority of the members are duly elected; and until then, the previous district council shall continue in office.(2)if, after an ordinary election followed by a fresh election under section 17, a majority of the members of the district council has not been elected, the Government shall, by notification in the Gazette, appoint an Administrative Committee and a Chairman and Vice-Chairman thereof for the District.(3)The Chairman, Vice-Chairman and members of the Administrative Committee shall hold office for a period of six months :Provided that the Government may, by notification in the Gazette, extend the said term by such period not exceeding Six months as may be specified in the notification.(4)The Government may, at any time by notification in the Gazette, curtail the period referred to in sub-section (3).(5)On the appointment of an Administrative Committee under sub-section (2), the

powers and duties of the district council and of the President and Vice-President thereof shall be exercised and performed by such Administrative Committee and its Chairman and Vice-Chairman respectively(6)The Administrative Committee shall be deemed to be the duly constituted district council, the Chairman of the Committee to be Its President and the Vice-Chairman to be the Vice-President for the purposes of this Act:Provided that the Administrative Committee shall not, except in the manner prescribed, change any decision of the district council in respect of any major policy matter.(7)the Administrative Committee shall have power to nominate members of the Administrative Committee as Chairman or members of Standing Committees for the purpose of this Act.

19. Disqualification of members.

- Subject to the provisions of section 21, a member shall cease to hold office as such if he.-(a)is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 14:Provided that a disqualification under this clause shall not take effect until three months have elapsed from the date of the sentence, or if within that period an appeal or application for revision is filed in respect of the sentence, until that appeal or application is disposed of by the Court; 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 any law relating to local Governments or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election; or(e)has applied to be adjudicated, or is adjudicated an insolvent; or(f)acquires any interest in any subsisting contract made with, or work being done for, the district council except as a share-holder (other than a director) in a company or except as permitted by rules made under this Act.Explanation. - A person shall not by reason of his being a director, member or office bearer of a co-operative society or of his having a share or interest in any newspaper in which any advertisement relating to the affairs of such district council 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 district council be disqualified under this clause'; or(g)is engaged as a legal practitioner on behalf of the district council or accepts engagement as a legal practitioner against the council; or(h)ceases to reside in the district;Explanation. - A person shall be deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment as of right and a person is not deemed to cease to reside in any such house or portion thereof merely because he is absent from it or has elsewhere another dwelling in which he reside if he is at liberty to return to such house at any time and has not abandoned his intention of returning; or(i)is debarred from practising as an Advocate or Vakil; or(j)is a leper; or(k)absents himself without the permission of the district council from three consecutive meetings of the district council :Provided that no meeting from which a member absents himself shall be counted against him under this clause if-(i)due 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 of members.

20. Restoration of members to office.

- Where a person ceases to be a members under clause (k) of section 19, the Secretary shall at once intimate the fact in writing to such person and to the President and report the same to the district council at its next meeting. If such person applies for rest-ration to the district council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, which ever is later, the district council may at the meeting next after the receipt of such application restore him to his office of member.

21. Determination of validity of election.

- Whenever it is alleged that any person who has been elected as member of a district council is not qualified or has become disqualified under section 12, section 13, section 14 or section 19 and such person does not admit the allegation or whenever a member has himself any doubt whether or not he is qualified or has become disqualified under section 19, such member or any other member of the district council or any other person entitled to vote at the election in which the member was elected, whether he has voted at such election or not, may file a petition before the District Judge having jurisdiction over the area in which the office of the district council is situated, for decision.(2)The District Judge, after making such enquiry as he considers necessary, shall determine whether or not such member in qualified or has become disqualified and his decision shall be final. Pending such determination, the member shall be entitled to act as if he were not disqualified.(3)Subject to the provisions of this Act and the rules made in this behalf, any enquiry under sub-section (2) shall be held by the District Judge as early as possible in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit.

22. Oath or affirmation by members.

(1)The Government shall, for the purpose of convening the first meeting of the district council, nominate a member who shall, before convening such meeting, make and subscribe before an officer not below the rank of a Deputy Secretary to the Government nominated by the Government in this behalf, an oath or affirmation in the form set out for the purpose in the Third Schedule.(2)Every other member shall, before taking his seat, make and subscribe before the member nominated under sub-section (1), an oath or affirmation in the form set out for the purpose in the Third Schedule:Provided that a member elected at a bye-election shall make and subscribe such oath or affirmation before the President.(3)No member who has not taken an oath or affirmation under sub-section (1) or sub-section (2) shall vote or take part in the proceedings of any meeting of the district council nor shall he be included as a member of any committee constituted by the district council.President, Vice-President And Standing Committees

23. President and Vice-President of District Council.

- There shall be a President and a Vice-President for every district council.

24. Election and term of office of President and Vice-President.

(1)The elected members of every district council shall elect (sic) one among them to be the President and an other among them to be the Vice-President.(2)For the election of the President and the Vice-President of a district council, the Government shall nominate an officer not below the rank of a Deputy Secretary to Government as the Returning Officer.(3)It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election in the manner' prescribed.(4)If at an election held under sub-section (2) no President or Vice President is elected a fresh election shall be held for electing the President in Vice-President, as the case may be.(5)A President shall be deemed to have vacated his office on the expiry of his term of office as member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or on his other- wise ceasing to be a member.(6)A Vice-President shall be deemed to have vacated his office-(a)on the expiry of his term of office as member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or his otherwise ceasing to be a member ; or(b)on his election as president.

25. Oath of office of President and Vice-President.

(1)The President and the Vice-President shall before entering upon their offices make and subscribe an oath or affirmation before an officer not below the rank of a Secretary to Government nominated by the Government in this behalf, in form set out in the Third Schedule.(2)The President or the Vice-President filling a casual vacancy shall also make and subscribe an oath or affirmation in the form set out in the Third Schedule before entering upon his office.

26. Functions of President.

- The President shall be the executive head of the district council and shall perform all the duties imposed and exercise all the powers conferred on the President by this Act and the rules made thereunder.

27. Functions of Vice-President.

- The Vice-President shall-(a)perform all the duties imposed and exercise all the powers conferred on the Vice-President by this Act and the rules made there under; and(b)exercise such of the powers and perform such of the duties 'of the president as are delegated to him by order in writing by the President from time to time subject to the rules made under this Act in that behalf.

28. Devolution and delegation of President's and Vice-President' s functions and filling up of vacancies in their offices.

- When the office of the President is vacant, the Vice-President shall exercise the functions of the President until a new President assumes office.(2)If the President is continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions, during such absence or

incapacity shall, except in such circumstances as may be prescribed, devolve on the Vice-President.(3)When the office of the President is vacant and there is either a vacancy in the office of the Vice-President or the Vice-President is continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the President shall, except in such circumstances as may be prescribed devolve on the Chairmen of the Standing Committees in the following order of preference, namely:-(a)Finance Standing Committee;(b)Development Standing Committee;(c)Welfare Standing Committee;(d)Public Works Standing Committee;(e)Education Standing Committee.(4)if the office of the Vice-President is vacant or the Vice-President is continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions and powers shall, except in such circumstances as may be prescribed, devolve on the Chairmen of the Standing Committees in the order of preference specified in sub-section (3).(5)The person on whom functions of the President or the Vice-President devolve under sub-sections (1), (2), (3) or (4) shall perform such functions subject to such restrictions and conditions as may be prescribed until a new President or Vice-president, as the case may be, is elected and assumes office or returns to jurisdiction or recovers from incapacity, as the case may be.(6)Subject to such rules as may be made by the Government in this behalf, the President may, by an order in writing; delegate any of his functions to the Vice-President or, in case there is a vacancy in the office of the Vice-President or the Vice-President is absent from jurisdiction or is incapacitated, to the Chairman of any Standing Committee subject to such restrictions and conditions as may be specified by him and for such period as he may decide.(7)The President may at any time cancel any order issued by him under sub-section (6) and there upon the Vice-President of the Chairman of the Standing Committee, is the case may be, shall cease to perform the functions of the President.

29. Emergency powers of President.

- the President may, in case of emergency, in consultation with the Chairman of the Standing Committee concerned, direct the execution of any work or the doing of any act which requires the sanction of the district council and the immediate execution or doing of which is, in his Opinion, necessary for the safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the funds of the district council:Provided that, -(a)he shall not act under this section in contravention of any decision of the district council prohibiting the execution of any particular work or the doing of any particular act ;(b)he shall report the action taken under this section and the reason thereof to the district council at its next meeting; and(c)he shall not direct the execution of any work or the doing of any act which involves an expenditure of more than one lakh rupees.

30. Standing Committees.

(1)In each district council there shall be the following Standing Committees, namely :-(a)General Standing Committee dealing with establishment matters, legal matters, local authorities, revenue, maintenance of revenue records, weights and measures and all miscellaneous and residuary matters ;(b)Finance Standing Committee dealing with finance ;(c)Development Standing Committee dealing with industries, agriculture, animal husbandry, community development, dairy development, inland fisheries and soil conservation ;(d)Welfare Standing Committee dealing with harijan welfare, health

services, indigenous medicines and social welfare ;(e)Public Works Standing Committee dealing with irrigation, public health engineering, roads, buildings and bridges ; and(f)Education Standing Committee dealing With education, culture and sports and games.(2)Each Standing Committee shall consist of such number of members not exceeding six, excluding the Chairman, as specified by the district council, elected by the elected members of the district council from among themselves in accordance with the system of proportional representation by means of the single transferable vote.(3)The Vice-President shall be the ex-officio member and Chairman of the General Standing Committee.(4)The Chairman of every other Standing Committee shall be elected to that office by the elected members of the district council from among themselves,(5)Subject to the provisions of this section, the President or the Vice President or the Chairman of any Standing Committee shall not be elected, or shall not continue, as a member of any other Standing Committee.(6)The powers and functions of the Standing Committees shall be such as may be prescribed in this behalf.(7)Subject to such rules as may be made by the Government in this behalf, a district council may delegate any of the powers or functions of a Standing Committee to its Chairman.

31. Fixed Allowances and other perquisites of the President, Vice-President, Chairmen of Standing Committees and other members.

(1)Their shall be paid a monthly fixed allowance at the rate of, -(a)seven hundred and fifty rupees to the President ;(b)five hundred rupees to the Vice-President ; and(c)two hundred and fifty rupees to the Chairman of each of the Standing committees other than the General Standing Committee.(2)The President and the Vice-President shall be entitled, without payment of rent, to the use of a furnished residence at the headquarters of the district council throughout their terms of office and for a period of fifteen days immediately thereafter and no charge shall fall upon the President or the Vice-President as the case may be, personally in respect of the maintenance of the residence; or in lieu of the use of such furnished residence and its maintenance, to a house rent allowance of one hundred and fifty rupees per mensem.(3)The district council shall provide suitable conveyances for the use of the President and the Vice-President throughout their terms of office and for a period of fifteen days immediately thereafter subject to such bye-laws as regard;; their maintenance and repairs as may be made by the district council.(4)The president, the Vice-President and the Chairman of the Standing Committees shall be entitled while touring on public business to travelling and daily allowances at such rates as first class officers of the Government shall be entitled to from time to time.(5)Every member of the district council other than the President and the Vice-President shall be entitled to receive -(a)travelling and daily allowances at such rates as First Class Officers of the Government shall be entitled to from time to time for attending the meetings of the district council or of any committee thereof; and(b)a sitting fee of twenty-five rupees per day tor attending the meetings of the district council or of any committee thereof.Employees

32. Secretary and his functions.

(1)The Collector of the revenue district shall be the ex-officio Secretary of the district council concerned:Provided that the Government may appoint, if necessary at the request of a district council Joint Secretaries for the district council, being officers t of appropriate rank, to deal with

finance, law, education, development, public works, welfare and other subjects to whom the district council may, subject to such rules as may be prescribed delegate all or any of the function of the Secretary.(2)The Secretary shall -(a)attend the meetings of the district council and of the General Standing Committee and may take part in the discussions there at purely in an advisory capacity, but shall have no right to move any resolution or to vote;(b)subject to section 34, attend any meeting of a Committee of the district council if required to do so by the person presiding thereat;(c)carry into effect the resolutions of the district council;(d)control the employees of the district council subject to the general superintendence and control of the President and subject to such rules as may be made by the Government; and(e)discharge all the duties and exercise all the powers specifically imposed or conferred on the Secretary by or under this Act.

33. Exercise of functions of Secretary by other officers in his absence.

- The Government may, by general or special order, authorise any Joint Secretary appointed under section 32 or any other officer, to exercise all or any of the functions of the Secretary in the absence of the Secretary.

34. Delegation of functions of Secretary.

- The Secretary may, with the permission of the President delegate by order in writing any of his functions to any Joint Secretary or other officer of the district council, subject to such restrictions and control as he may specify.

35. Channel of correspondence.

(1)All official correspondence by or addressed to the district council shall be in the name of the Secretary.(2)All correspondence from the Government or officers working under the Government to the employees working under a district council or vice versa shall only be through the district council except to the extent otherwise permitted by the bye-laws of the district council and the rules made by the Government in this regard.

36. Employees of district council.

(1)(a)Subject to such terms and conditions as may be prescribed, the Government may place at the disposal of a district council such of their officers and servants as may be necessary for the functioning of the district council.(b)The Government shall not transfer out of the service of a district council any of the officers appointed under sub-section (1) of section 32, or any of the officers and servants placed at the disposal of the district council under clause (a) of this sub-section except in consultation with the President; and if the officer or servant has not completed three years of service under the district council except with the concurrence of the President:Provided that such concurrence shall not be necessary if the transfer is due to promotion or reversion;(c)The officers and servants placed at the disposal of the district council shall continue to be Government servants for all purposes and their terms and conditions of service shall continue to be the same as applicable

to them under the Government: Provided that when disciplinary proceedings have to be initiated against an officer or a servant of the Government whose services have been placed at the disposal of the district council, the President shall be entitled to make an enquiry and report against such officer or servant to the authority competent to impose punishment on such officer or servant under the rules applicable to him. (2) Notwithstanding anything contained in the proviso to clause (c) of sub-section (1) the Secretary of the district council shall be competent to impose minor penalties on any officer or servant of the Government whose services have been placed at the disposal of the district council, subject to such rules as may be made in this behalf. (3) An appeal against any order of the Secretary imposing any minor penalty shall lie to the President. (4) An appeal under sub-section (3) shall be in such form and shall be presented with in such time and in such manner, as may be prescribed. (5) On receipt of an appeal under section (3), the President shall, after giving the appellant an opportunity of being heard, confirm, cancel or modify the order appealed against or pass such other order as he deems fit. (6) Subject to such rules as may be made under sub-section (7) the Government shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the employees of every district council. (7) The Government may make rules regarding - (a) the authorities who may appoint the employees of the district council and the classification, methods of recruitment, pay and allowances, discipline and conduct and conditions of service of such employees; (b) the constitution of any class of employees of the district council into a separate service; (c) reservation of appointments in favour of the Scheduled Castes Scheduled Tribes and other backward classes of citizens. Procedures

37. meetings of district council.

(1) Every district council shall meet at such time and place and shall, subject to the provision of sub-section (2), observe such rules or procedure in regard to transaction of business at its meetings (including quorum of meetings) as may be prescribed: Provided that not more than thirty· one days shall elapse between any two meetings of the district council. (2) Every meeting of a district council shall be (sic) over by the President or in his absence by the person on who in the powers, of the President devolve under section 28, or in the absence of the President and such person by a member chosen by the member present at the meeting to preside over the occasion. (3) The President or any other person presiding under sub-section (2) shall (sic) order and decide all points of order arising at or in connection with the meetings. There shall be no discussion on any point of order and the decision of the President or other person presiding on the point of order shall be final.

38. Rights of individual members.

(1) Every member shall have the right to move resolutions and to interpellate the President and other office bearers on matters falling within the administrative jurisdiction of the district council subject to such rules as may be made by the Government. (2) Every member shall have access during office hours to the records of the district council after giving due notice to the President: Provided that the President may, for reason given in writing, refuse such ,access.

39. Minutes of proceedings.

- A copy of the minutes of the proceedings of every meeting of a district council shall be submitted by the Secretary with the approval of the President to the Government within ten days of the date of the meeting.

40. Power of district council and President to call for records.

- A district council or President may require the Secretary of that council to produce any document which is in (sic) in his capacity as Secretary, and the Secretary shall, subject to such rules as may be made in this behalf, comply with every such requisition.

41. proceeding of district council and Standing Committee.

- The proceedings of every district council or Standing Committee thereof shall be governed by such rules, is may be made by the Government in this behalf and bye laws (not inconsistent with such rules or the provisions of this Act) made by the district council With the approval of the Government.

42. Motion of no-confidence in President or Vice President or Chairman of Standing Committee.

(1) Subject to the provisions of this section, a motion expressing want of confidence in the President or the Vice-President or the Chairman of a Standing Committee may be made in accordance with the procedure laid down herein. (2) Written notice in such form as may be prescribed of the intention to make any motion referred to in sub-section (1) signed by such number of elected members of the district council as shall constitute not less than one fifth of the sanctioned strength of the district council, together with a copy of the motion which is proposed to be made shall be delivered in person by any of the members of the district council signing the notice to the Secretary. (3) The Secretary shall convene a meeting of the elected members of the district council for the consideration of the motion, to be held at the office of the district council at a time appointed by him which shall not be later than fifteen days from the date on which the notice under sub-section (2) is delivered to him. (4) The Secretary shall give to the elected members of the district council notice of not less than ten clear days of any meeting held under this section and of the time appointed therefor. (5) A meeting convened under this section shall be presided over by - (a) the President where the motion is against the Vice-President or the Chairman of a Standing Committee; (b) the Vice-President where the motion is against the President; and (c) a Chairman of Standing Committee in the order of preference mentioned in sub-section (3) of section 28, if the President or the Vice-President, as the case may be, is unable to preside over the meeting as provided in clause (a) or clause (b) due to absence or otherwise: Provided that a Chairman of a Standing Committee shall not be entitled to preside over a meeting under this clause if the motion is against that Chairman. (6) A meeting convened for the purpose of considering the motion under this section shall not be adjourned except for reasons beyond human control. (7) As soon as the meeting convened under this

section has commenced, the person presiding shall read at the meeting the motion for the consideration of which it has been convened and declare it to be open for debate.(8)No debate on any motion under this section shall be adjourned except for reasons beyond human control.(9)A debate on any motion 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 and upon the conclusion of the debate or upon the expiry of such period of four hours as the case may be, the motion shall be put to vote.(10)The person presiding shall not speak on the merit of the motion, but he shall be entitled to vote thereon, without the right to exercise any second or casting vote.(11)The copy of the minutes of the meeting together with the copy of the motion and the result of the voting thereon shall, on the termination of the meeting, be forwarded to the Government by the Secretary.(12)If the motion is carried with the support of the majority of the elected members of the district council holding office on the date of the meeting, the Government shall, by notification in the Gazette, remove the President or the Vice-President or the Chairman of a Standing Committee, as the case may be.(13)If the motion is not carried by such majority as aforesaid or the meeting cannot be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same President or Vice-President or Chairman of Standing Committee shall be received until after the expiry of six months from the date of the meeting, or the date fixed for the meeting, as the case may be.(14)No notice of a motion under this section shall be received within six months of the assumption of office by the President or the Vice-President or the Chairman of a Standing Committee, as the case may be.

43. Resignation of President, Vice-President, Chairman of Standing Committee or member.

(1)The President or the Vice-President or the Chairman of any Standing Committee or any member other than an ex-officio member may resign his Office as such President or Vice-President or Chairman or member by giving notice in writing to the district council and the notice shall be delivered to the Secretary who shall place the same before the district council at its next meeting. Where the notice of resignation is not delivered personally to the Secretary, he shall, on receipt of the notice of resignation, obtain confirmation from the person concerned as to its genuineness, before it is placed before the district council.(2)A resignation under sub-section (1) shall take effect on and from the date on which the notice is placed before the meeting of the district council, unless it is withdrawn by the person concerned before the close of that meeting.

Chapter III

Functions, Powers And Property of District Councils

44. Powers and functions of district councils.

(1)Subject to the provisions of this Act and to such conditions and restrictions as may be prescribed the administration of a district in respect of the matters enumerated in title first Schedule shall, with effect from such date as the government may, by notification in the Gazette, specify be vested in the district council :Provided that different dates may be specified for matter enumerated in the said

Schedule or for different subjects comprised in any such matter.(2)The Government may, by notification in the Gazette, from time to time delegate to the district councils any of the powers and functions of the Government as may be specified in the notification in respect of any matter subject to such restrictions and conditions as may be specified therein.(3)The Government shall, as soon as may be, after the commencement of this Act, transfer to the district councils all the institutions, projects, buildings and other properties and assets and liabilities connected with the matters referred to in sub-section (1) :Provided that the Government shall not transfer to the district councils any training or research institution or any programme, project or schemes of State-wide importance.(4)If any question arises as to whether my institution, programme, project or scheme falls within the scope of the proviso to sub-section (3), the question shall be decided by the Government and their decision thereon shall be final.

45. Power of district councils on subject administered by Panchayats.

(1)Notwithstanding anything contained in the Kerala Panchayats Act, 1960 (32 of 1960), the district councils shall also have power to administer the subjects mentioned in Schedule VII of the said Act within their respective jurisdiction. Any action taken by a district council in respect of any matter coming under any such subject shall prevail and any such action taken by the Panchayat shall be subject to the control and supervision of the district council.(2)Subject to the provisions of this Act and the Kerala Panchayats Act, 1960 (32 of 1960), the Panchayats shall have exclusive power to administer the subjects mentioned in Schedule VI of the said Act and the district council shall not have any power to question any decision legally taken by the Panchayat in respect of the subjects mentioned in the said Schedule.(3)Subject to the provisions of this Act or any other Act for the time being in force, a district shall exercise general supervision and control over the functioning of the local Governments within its Jurisdiction.(4)A district council shall, subject to such rule as may be made, provide necessary administrative, financial and technical assistance to the local governments within its jurisdiction for the due performance by those local governments of functions vested in them under any law.

46. Power to accept donations and trusts.

- A district council may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied and shall apply the same solely for such purpose.

47. Acquisition of immovable property required by the district councils.

- Any immovable property which is required by a district council for, a public purpose connected with the discharge of the functions imposed on it under this Act, or the rules or bye-laws made thereunder, or any other law may be acquired under the provisions of the Kerala Land Acquisition Act, 1961 (21 of 1962), and on payment of compensation awarded under that Act in respect of such property and of any other charges incurred in acquiring it, that said property shall stand transferred to and vest in the district council.

48. Supervisory powers of the President.

- The President shall have completed supervisory control on the officers of the Government in the district dealing with the matters enumerated in the First Schedule in respect of functions entrusted to the district council by or under this Act.

Chapter IV Finance

49. Definition.

- For the purposes of this Chapter, "financial year" means the year commencing on the 1st day of July.

50. Grants.

- The Government shall subject to rules made in this behalf, make such grants as are necessary to the district councils for the proper discharge of their functions under this Act.

51. Finance Commission for district councils.

(1)The Government shall, within three months from the date of commencement of this Act and thereafter at the expiration of every third year or at such earlier time as the Government may consider necessary, by order, constitute a Finance Commission which shall consist of a Chairman and two other members.(2)The Finance Commission shall go into the problems of income and expenditure in respect of the district councils and it shall be the duty of the Commission to make recommendations to the Government as to -(a)the pattern of assistance from the Government to the district council;(b)the principles which should govern the grants-in-aid from Government to the district councils;(c)the date from which the grants-in-aid or assistance is to be given effect to;(d)the possibility of assigning to the district councils a percentage of the proceeds from any tax levied and collected by the Government from that district, and(e)any other matter referred to the Commission by the Government in the interests of sound finances and efficient functioning of the district councils.(3)The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Finance Secretary to Government, but he shall continue in office until his resignation is accepted by the Government.(4)A casual vacancy created, by the resignation of a member or Chairman under sub-section (3), or for any other reason, may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he was appointed would have held office.(5)The Finance Commission shall meet at such place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by rules made under this Act.(6)The recommendations of the Finance Commission shall be accepted by the Government with such suitable modifications as are deemed necessary with effect from such date as

is notified in the Gazette.

52. Grants and loans for schemes and projects.

(1)The Government may make such further grants and loans to the district councils as they consider necessary for the execution of specific schemes, projects, programmes or plans relating to any of the matters administered by the district council under such terms and conditions as may be fixed by the Government in this behalf.(2)Every district council shall utilise such grants or loans under this section only for the specific purpose or purposes for which such grants or loans are given(3)In respect of loans given by the Government under this section, the provisions of the Kerala Local Authorities Loans Act, 1963 (30 of 1963) and the rules made thereunder shall apply.

53. Power of district councils to raise loans.

- A district council may, subject to the provisions of the Kerala Local Authorities Loans Act, 1963 (30 of 1963) and the rules made thereunder, borrow any sums of money which may be required for the purposes for which the funds of the district council may be applied under the provisions of this Act or any other law in force.

54. Collection of fees.

- The district council may collect such fees from the beneficiaries of the institutions which are run or financed wholly or partially by them at such rates as may be fixed by them subject to the rules made by the Government for the purpose.

55. District Council Fund.

(1)All moneys received by the district council except those received on behalf of the Central Government or the State Government, shall constitute a fund which shall be called "The District Council Fund" and shall be applied and disposed of subject to the provisions of this Act and the rules as may be prescribed in this behalf.(2)Notwithstanding anything contained in sub-section (1), the Government may direct of the district council to constitute separate funds to which shall be credited such receipts as may be specified by the Government and such funds shall be applied and disposed of in the manner prescribed.

56. Expenditure from District Council Fund.

(1)The District Council Fund may be applied for the purpose of carrying out the functions of the district council under time Act, subject to such rules as the Government may make from time to time.(2)If the expenditure incurred by any local government in the district or any purpose for which the District Council Fund may be applied under sub-section (1) is such as to benefit the inhabitants of the district, the district council may with the sanction of the Government, and shall, if so directed by them, make a reasonable subsidy towards such expenditure.(3)A district council may, out of its

funds and subject to the rules as may be made, grant financial assistance for the furtherance (sic) activities to such persons, institutions or societies subject to such terms and conditions, as may be specified.

57. Preparation and sanction of budget.

(1)The Secretary shall in each year· before the 30th April frame and place before the Finance Standing Committee a budget showing the probable receipts and expenditure during the following year.(2)After the Finance Standing Committee has considered and modified the budget to the extent necessary, the Chairman of the Finance Standing Committee shall place the budget before the district council in a meeting of the district council which shall be called in the first week of June.(3)The district council shall sanction the budget with such modification as it thinks fit.(4)The district council shall finally pass the budget the beginning of the financial year to which it relates and copies thereof to the Government and to the Examiner of local fund accounts.(5)If in the course of the year, a district council finds it necessary to alter the figures shown in the budget with regard to receipts or the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed and sanctioned in the manner, provided in sub-sections (1) and (2) and copies thereof submitted forthwith to the Government and to the Examiner of Local Fund Accounts.(6)notwithstanding anything contained in this section, It shall be lawful for the Government to prepare and approve the first budgets of all the district councils.

58. Powers of Government over budget.

- The Government may, direct a district council to modify its estimates to be in keeping with the provisions of this Act.

59. No sum to be expended without including provision in the budget.

- Save in the case of a pressing emergency, no sum shall be expended by or on behalf of a district council unless such sum is included in the budget estimates sanctioned under section 56, and in force at the time of incurring the expenditure.

60. Accounts and Audit.

(1)The district council shall keep such accounts and submit such statements to the Government as may be prescribed.(2)Accounts of receipts and expenditure of every district council shall be maintained at every financial year in such form as may be prescribed.(3)An abstract of every annual account of a district council showing its income under each head of receipt, the charges for the establishment works undertaken the sum expended on each work, the balance, if any, remaining unexpended and such other information as may be required by rules shall be prepared by the district Council in such form as may be prescribed and submitted to the Government not later than the fifteenth day of the second month of the next financial year.(4)The Examiner of Local Fund Accounts and his nominees shall be the auditor of the district council and shall maintain and keep a

continuous audit of the accounts of the district council.(5)The auditors may, after giving a reasonable opportunity to the person concerned to explain his case, disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring, or authorising the incurring of, such expenditure and may charge against any person responsible there for 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.(6)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).(7)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 auditors, either(a)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 : or(b)in (sic)lieu of such application, may appeal to the Government who shall pass such orders as they think fit.(8)Where an application is made to the court under clause (a) of sub,section (7) 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.(9)Where an appeal under clause (b) of sub-section (7) is made to the Government by any of their officers or servants placed at the disposal of the district council, the Government shall in dealing with the same follow the procedure for an appeal preferred against an order of penalty of recovery from pay.(10)From the decision of the District court under clause (a) of sub- section (7), an appeal shall lie to the High Court.(11)Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Secretary with in thirty days after the date of service on him of the decision of the auditors unless within that time such person has made an application to the court or an appeal to the Government, against the decision ; and such sum, if not so paid, or such sum as the court or the Government declares or declare to be due shall be recoverable as if it were an arrear of land revenue.(12)No contribution shall be recovered by the Government from the district council towards the pay and allowances of the auditors or towards any other expenditure involved in the audit of the accounts of the district council.

61. Write off of irrecoverable amounts.

- Subject to such restrictions .and control as may be prescribed, a district council may write off any amount whats ever due to it, whether under a contract or otherwise or any sum payable in connection therewith if in its opinion such amount or sum is irrecoverable :Provided that where the Government arc responsible for the collection of any amount due to the district council, the power to write off such amount payable in connection therewith on the ground of its being irrecoverable,shall be exercised by or only with the sanction of, the Government.

62. Recovery of loans and advances by Government.

(1)Notwithstanding anything contained in the Kerala Local Authorities Loans Act, 1963 (30 of 1963), the Government may, by order, direct any person having custody of the funds of the district council to pay to them in priority to any other charges against such fund, except charges for the service of authorised loans, any loans or advance made by them to the district council for any purpose to which its funds may be applied under this Act.(2)The person to whom the order referred to in sub-section (1) is addressed shall be bound to comply with such order.

Chapter v Control

63. power of government to issue direction relating to policy.

- Notwithstanding anything contained in this Act it shall be lawful for the Government to issue directions to the district councils in matters relating to State and National policies and such directions shall be binding on the district councils.

64. Power of Government to issue directions regarding exercise of powers and functions by district councils in certain cases.

- The Government may, from time to time, by under in writing, issue to all or any of the district councils such directions as they may think necessary regarding the performance of functions, exercise of powers and discharge of duties in order to avoid any doubt or ambiguity as to the authority which shall perform, exercise or discharge such functions, powers and duties and such district councils or district council, as the case may be, shall be bound to comply with such directions.

65. Power of Government to undertake projects or programmes for the whole or any part of the State.

- Nothing in this Act shall affect the power of the Government to prepare for the whole State or any area comprising more than one district any plan or programme relating to any economic or welfare activity Which is assigned by this Act to a district council or to undertake any such project or programme concerning the whole State or any part of the State or any such area.

66. Powers of government for purposes of control.

- The Government may-(a)call for any record, register or other document the possession, or under the control of any district council ;(b)require any district council to furnish any return, plan, estimate, statement, account or statistics ;(c)require any district council to furnish any information or report on any matter connected with such district council;(d)require any district council to obtain

their previous sanction before giving up a claim or closing down any institution which is a source of income ; and(e)record in writing for the consideration of any district council any observations in regard to its proceedings or duties.

67. Administration Report.

(1)As soon as may be after the first day of July every year and not later than such date as may be fixed by the Government, every district council shall submit to the Government a report of its administration including the administration report of local Governments within as jurisdiction during the preceding financial year in such form and with such details as may be prescribed.(2)The Secretary shall prepare the report in consultation with the President and it shall be submitted to the Government after due consideration by the district council and with its resolution thereon.(3)The report and the resolution referred to in sub-section (2) shall be published in such manner as the district council may direct subject to the rules made by the Government in this behalf.

68. power of government to cancel or suspend resolution of district council.

(1)The Government may, by order in writing, cancel any resolution passed or decision taken or action initiated by a district council or any Committee thereof if in their opinion such resolution, decision or action -(a)is not legally passed, taken or initiated ; or(b)is in excess or abuse of the powers conferred by this Act or any other law.(2)The Government shall, before taking action under sub-section (1) give the district council an opportunity for explanation and reconsideration.

69. power of Government to take action in default of district council.

(1)if at any time it appears to the Government that a district council or its President has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, they 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 district council or its President, 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 function and may direct that the expenses incurred therefor shall be paid from the fund of the district council within such time as may be specified by the Government.(3)If the expenses which the Government may direct under sub-section (2) to be paid from the fund of the district council are not paid as provided in that sub-section, the Government may make an order directing the person having the custody of the said fund to pay it in priority to any other charges against that fund, except charges for the service of authorised loans.(4)The person referred to in sub-section (3), shall so far as the funds to the credit of the district council admit, be bound to comply with the order made by the Government under that sub-section.

70. Power of Government to remove President or Vice-President or Chairman of Standing Committee.

(1)The Government may, by notification in the Gazette and with effect from a date to be specified therein, remove any President or Vice-President or Chairman of a Standing Committee who in their opinion will fully omit, or refuses to carry out, or disobeys, the provisions of the Act, or any rules, bye-laws, regulations or law full orders Issued thereunder or abuses the power vested in him.(2)The Government shall when they propose to take action under sub-section (1), -(a)arrange for an enquiry to be conducted into the matter by the Commissioner for local Government;(b)give the President or Vice-President or Chairman of the Standing Committee,as the case may be, an opportunity for explanation ; and(c)specify their reasons for the action proposed to be taken.(3)Any person removed under sub-section (1) from the office of President or Vice-President or Chairman of a Standing Committee shall not be eligible for election to any of the said offices until the date on which notice of the next ordinary election to the district council is published in the manner prescribed or the expiry of six months from the date of removal, whichever is earlier.

71. Dissolution and supersession of district council.

(1)If the district council persistently makes default in performing the duties imposed on it by law or in carrying out the orders lawfully issued by the Government or exceeds or abuses its power, the Government may,by notification in the Gazette, direct that the district council shall be dissolved and reconstituted on such date as may be specified in the notification; or, the Government may if they think necessary, by notification in the Gazette, supersede the district council for a period not exceeding six months. Every notification under this sub-section shall be accompanied by a notification appointing an administrative committee under sub-section (5).(2)Before 'publishing a notification under sub-section (1), the Government shall communicate to the district council concerned the grounds on which they propose to do so, fix a reasonable period for the district council to show cause against the proposal and consider its explanations or objections, if any.(3)Upon the publication of a notification under sub-section (1), all the members of the district council including the President and the Vice-President shall forthwith be deemed to have vacated their offices as such and fresh election shall be held in accordance with the provisions of this Act.(4)The members of a reconstituted district council shall center upon their offices on the date fixed for the reconstitution of the district council.(5)During any interval between the dissolution and the reconstitution of a district council or during the period of its supersession, as the case may be nil the powers and duties of the district council and of its President and Vice-President shall be exercised and discharged by an Administrative Committee and a Chairman and Vice-Chairman thereof appointed by, the Government in the manner specified in section 18.Provided that the term of office of the Administrative Committee, its Chairman and Vice-Chairman shall be as provided under this section and not under section 18 .(6)When a district council is dissolved or superseded under sub-section (1), the Administrative Committee appointed by the Government until the date of reconstitution thereof, and the reconstituted district council thereafter shall be entitled to all the assets and be subject to all the liabilities of the district council as on the date of dissolution or supersession and on the date of reconstitution respectively.(7)Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly

while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions; and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or decides that the notification should not be Issued, the notification shall thereafter have effect only in such modified form or have no effect, as the case may be; so however that any such modification or annulment shall be Without prejudice to the validity of anything previously done under that notification.

72. Powers of officers acting for, or in default of, district council and liability of its Fund.

- the Government or any other person lawfully taking action on behalf or in default of a district council under this Act shall have such powers as in necessary for the purpose and shall be entitled to the same protection under this Act as the district council or its employees whose powers are exercised ; and compensation shall be recoverable from the district council's Fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the district council or its employees.

Chapter VI Review And Revision

73. Review by district council of its own order.

(1)Any person aggrieved by any notice or order issued or other action taken by or on behalf of the district council under the provisions of this Act or the rules or bye-laws made thereunder may file, a petition for review to the district council; and the district council shall review such notice, order or action and pass any further order as it deems fit :Provided that there shall be only one review against any such notice or order issued or action taken.(2)A petition for review under sub-section (1) shall be presented within thirty days from the date of the Act or the service of the order or notice complained of :Provided that the time occupied in obtaining copies of the order or notice complained against shall be excluded from the computation of the said period of thirty days :Provided further that a petition may be presented after the said period of thirty days if the aggrieved person satisfies the appropriate authority that he was prevented by sufficient cause from preferring the petition within the said period.(3)When a petition for review has been presented under this section the President may, if felt necessary. stay the operation of the order or the action complained against, pending consideration of the petition :Provided that the President shall place every such order issued by him before the next meeting of the district council.

74. Power of revision by Government.

(1)The Government may suo motu at any time examine the record of a district council in respect of any proceedings to satisfy themselves as to the regularity' of such proceedings or the legality of any

decision or order passed therein; and, if, in any case, the Government are satisfied that any such decision or order should be modified, annulled or reversed or remitted for reconsideration on the ground of procedural irregularity or illegality, they may pass orders accordingly: Provided that the Government shall not pass any order affecting any party unless such party has had an opportunity of making a representation. (2) The Government may stay the execution of any such decision or order pending the exercise of their power under sub-section (1) in respect thereof if there is prima facie case of procedural irregularity or illegality. (3) The Government may suo motu at any time review any order under sub-section (1), if it was passed by them under any mistake, whether of fact (sic) or of law, or in ignorance of any material fact. (4) The provisions contained in the proviso to sub section (1) shall (1) apply in respect of any proceeding under sub section (3) as they apply to a proceeding under sub section (1).

Chapter VII

Rules, Bye-Laws And Penalties

75. Power of Government to make rules.

(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this section 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 decides that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or have no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

76. Power of district council to make bye-laws and penalty for their breach.

(1) Subject in the provisions of this Act and the rules made thereunder a district council may, with the approval of the Government, make bye-laws for carrying out any of the purpose for which it is constituted. (2) The Government may remit for reconsideration and resubmission any bye-law or part thereof to the district council or add to, omit or alter any bye-law which contravenes the provisions of this Act or any rule made thereunder. (3) In making a bye-law, the district council may provide that any person who commits a breach thereof shall be able to pay by way of penalty such sums as may be fixed by the district council not exceeding two hundred and fifty rupees or in case of a continuing breach, fifty rupees for every day during which the breach continues after a penalty has been levied for the first breach. (4) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof, and the date on which they shall come into effect.

77. penalty for acting as member, president or Vice- President when disqualified.

(1)Whoever acts as a member of a district. council knowing that under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable With fine not exceeding ' two hundred rupees for every such offence.(2)Whoever acts as the President or the Vice-President of a district council or exercises any of his functions as such, knowing that under this Act or the rules made thereunder, he is not entitled or had ceased to be entitled to hold office as 'such or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.(3)Any person who having been the President, or the Vice-President or a Chairman of any Standing Committee of a district council fads to hand over any document or other property vested or belonging to the district council which are in, or have come into his possession or control to his successor in office or other prescribed authority,-(a)in every case, as soon as his term of offices as such President or Vice-President or Chairman expires;(b)in the case of a person who was the Vice-President, or the Chairman of a Standing Committee also on demand by the President, shall be punishable with fine not exceeding one thousand rupees for every such breach.

78. Penalty for acquisition by an employee of interest in contract work.

- If any employee of a district council knowingly acquires directly or indirectly, by himself or by a partner, employer or employee any personal share or interest in any contract or employment with, by, or on behalf of, the district council he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (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 district council unless he is a director of such company:Provided further that no person shall, by reason of his being a director, member or office bearer of a co-operative society, be held to be interested in any contract entered in to between such co-operative society and the district council.

79. Penalty for not giving information or giving false information.

-- Any person who is required by this Act or the rules made thereunder or by any notice or other proceedings issued or taken under this Act or the rules made thereunder to furnish any information, and omits to furnish such information or knowingly furnishes false information shall be punishable with fine not exceeding five hundred rupees.

80. Penalty for removal or obliteration of notice.

- Any person who without authority in that behalf removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of a district council shall be punishable With fine which may extend to two hundred and fifty rupees.

81. Penalty for obstruction of district council.

- Any person obstructing a district council or obstructing or molesting the President or a member of a district council or any person employed by the district council or any person with whom a contract has been entered into by or on behalf of the district council, in the discharge of its or his duty or of anything which it or he is empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law or order made thereunder shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both

82. Fines to be credited to district council.

- All fines imposed under this Act or any rule or bye-law made thereunder shall, on realisation, be credited to the fund of the district council.

Chapter VIII

General And Miscellaneous

83. Powers of district council in carrying out its functions.

(1) A district council shall exercise all the powers conferred on, and perform all the functions entrusted to, that council by or under this Act or any other law and shall also exercise such other powers and perform such other functions as may be conferred on or entrusted to it by the Government for carrying out the purposes of this Act. (2) A district council shall have power to do all acts necessary for, and incidental to, the carrying out of the functions entrusted or delegated to it.

84. Appointment of joint Committee.

(1) A district council may, and if so required by the Government shall, join with one or more than one other district council or other local government in constituting a joint committee for any purpose for which they are jointly responsible. (2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in the committee shall be such as may be prescribed.

85. Adjudication of dispute between district council and local governments.

(1) When a dispute exists among two or more district councils or between a district council and one or more than one, local government in regard to any matter arising under the provisions of this or any other Act and the district councils or the district council and the local government or local governments, as the case may be, are according to their own admission or on the opinion of the government unable to settle amicably, any officer of and above the rank of an Additional Secretary to Government authorised by the Government in this behalf by general or special order, may take

such action as is necessary to settle the dispute by himself or if it cannot be so settled, refer it with a report to the Government for decision.(2)Any decision of the Government under sub-section (1) shall be binding on the district councils and the local government or each of the local governments, as the case may be, and shall not be liable to be questioned in any court of law.(3)The powers of the Government under this section shall, where one of the local governments concerned is a cantonment authority or the port authority of a major port, be exercisable only with the concurrence of the Central Government.Explanation. - For the purpose of this section, a local government shall include a cantonment authority and the port authority of a major port.

86. Acts of district council not to be invalidated by informality, etc.

- No act of a district council or of a Standing Committee thereof or any person acting as the president or the Vice-President of a district council or as the Chairman of any Standing committee shall be deemed to be invalid by reason only of any defect in the establishment of that district council or Standing Committee or on the ground that the President Vice-President or any member of the district council or the Chairman of any Standing Committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason such act having been done during the period of any vacancy in the office of the President, Vice-President or member of such district council or of the Chairman or member of the Standing Committee.

87. form of notice order etc, specification of time for compliance and power to enforce in default.

(1)All notices, orders and requisitions issued under the provisions of this Act or the rules or bye-laws made thereunder shall be in writing.(2)Whenever by any notice, requisition or order issued under the provisions of this Act or the rules or by-laws made thereunder, any person is required to execute any work, or to take any measure or to do anything, a reasonable time shall be specified in such notice, requisition or order within which the work shall be executed, or the measure taken or the thing done.(3)If such notice, requisition or order is not complied with within the time so specified-(a)The Secretary may, in consultation with the President, cause such works to be executed, or may take any measure or do anything which may, in his opinion be necessary for giving due effect to the notice, requisition or order; and(b)if no penalty has been specifically provided in this Act, for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding five hundred rupees for every such offence:Provided that if any loss or damage is caused to the district council by the non-compliance by the person of such notice, requisition or order within the time specified he shall pay compensation to the district council for such loss or damage notwithstanding any punishment to which he may have been sentenced for the said non-compliance. In the event of dispute, the amount of compensation payable by the said person shall be determined by the Court before which he was convicted of the said offence on application, made to it for the purpose by the Secretary not later than three months from the date of conviction and in default in payment of the amount of compensation so determined, it shall be recovered under a warrant from the said Court as if it were a fine inflicted by it on the person liable therefor.

88. Power of entry and inspection by President, Vice-President, Secretary and his delegates.

(1) Subject to such restrictions and conditions as may be prescribed, the President or the Vice-President or the Secretary or any person authorised by the President or the Secretary may enter on or into any place buildings or land with or without assistants or workmen to make any enquiry, inspection, test, examination, survey, measurement or valuations or to execute any other work, which is authorised by the provisions of this Act or of any rule, bye-law or order made under it or which it is necessary to make on execute for any of the purpose of this Act or in pursuance of any of the said provisions. (2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub- section.

89. Dues recoverable as arrears of Land revenue.

- All arrears of sums due to a district council under this Act or of loans granted by it shall be recoverable as arrears of land revenue.

90. Power to recover unutilised subsidies and grants.

- Whenever in exercise of any power conferred on it by this Act, or the rules issued thereunder a district council has sanctioned to any institution or individual a subsidy or a grant of money for any specified purpose and the whole or any portion of such subsidy or Grant is found not to have been utilised for that purpose in accordance with the Conditions subject to which the subsidy or grant was sanctioned, the same or the unutilised portion thereof shall be recoverable by the district council from such institution or individual as an arrear of land revenue. Legal Proceedings

91. Protection of acts done in good faith.

- No suit, prosecution or other legal proceedings shall lie or be instituted against any person for anything which is in good faith done or intended to be done under this Act or under the rules made thereunder.

92. Institution of suits against authorities of district councils, their officers etc.

(1) No suit or other civil proceeding; against a district council or against the President, the Vice-President or any other member, or employee thereof or against any other person acting under the direction of the district council or any member, or employee thereof for anything done or purporting to be done under this Act in its or his official capacity, - (a) shall be instituted until it expiration of one month after notice the writing, stating the cause of action, the name and place or abode of the intending plaintiff and the nature of the relief which he claim, has been, in the case of a district council delivered or left at the office of the district council any in the case of a member,

employee or person as aforesaid delivered to him or left at his office or at his usual place of abode and the plaint shall in each such case contain a statement that such notice has been so delivered or left; or(b)shall be instituted, unless it is a suit for the recovery of immovable property, or for the declaration of title thereto, otherwise than Within six months next after the accrual of the alleged cause of action.(2)The notice referred to in sub-section (1), when it is intended for a district council, shall be addressed to the Secretary.(3)If any district council or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceedings require more than the amount so tendered he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the district council after such tender.

93. Persons empowered to prosecute.

(1)Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder unless complaint is made within one year of the commissiOn of the offence by the Police, the Secretary or a pe(sic)ion expressly authorised by the Secretary in this behalf but nothing herein shall affect the provisions of the code of Criminal Procedure, 1973 (Central Act 2 of 1974), in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.(2)Every person other than the Secretary making a complaint shall immediately report the fact to the Secretary.(3)Every prosecution instituted shall be reported by the Secretary to the district council at its next meeting.

94. Composition of offences.

- The Secretary may, subject to such restriction and control as may be prescribed and with the approval of the President, compound any offence against this Act or any rules or bye-laws made thereunder which may by rules be declared compoundable:Provided that every offence compounded by the Secretary shall be reported by him to the district council at its next meeting.

95. Sanction for prosecution.

- When the President or the Vice-President or the Chairman or a member of a Standing Comm1ttee or any other member of a district council or the Secretary or other employee of the district council who is not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.

96. injunctions not to be granted in election proceedings.

- Notwithstanding anything contained the Code of Civil Procedure, 1908 (central Act 5 of- 1908) or any other law for the time being in force, no court shall grant any permanent or temporary

injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election or for the conduct of any meeting for the consideration of a non-confidence motion against the President or the Vice-President or the Chairman of a Standing Committee.

97. Liability of President, Vice-President, Secretary and members for loss, waste or misapplication of property.

(1)The President, the Vice-president, the Secretary or any member of a district council shall be personally able for the loss, waste or in application of any money or other property of the district council which has, been caused or fact hated by his misconduct or wilful negligence.(2)If after giving the President, the Vice-President, the Secretary or the member concerned a reasonable opportunity for showing Cause to the contrary, the Government are satisfied that the loss, waste or misapplication of any money or other property of the district council is a direct consequence of misconduct on his part, the Government shall, by an order in writing, direct such President, Vice-President, Secretary or member to pay to the district council before a fixed date, the amount required of be reimbursed to it for such loss, waste or misapplication.(3)If the amount is not so paid it shall be recovered in the same manner as an arrear of land revenue and credited to the Fund of the district council.(4)Any person aggrieved by an order under sub-section (2) may, within one month from the receipt by him of the order, apply to the District Court to modify or set aside such order and that Court after taking such evidence as it thinks necessary may confirm, modify or remit such amount recovered and make such order as to costs as it thinks proper in the circumstances of the case.

98. Assessment etc., not to be impeached.

(1)No assessment or demand made and ,(sic) charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake in respect of,-(a)the name, residence, place of business or occupation of any person ; or(b)the description of my property or thing; or(c)the amount assessed, demanded or charged :Provided that the provisions of this Act have in substance and effect been complied with :Provided further that no proceedings under this Act shall, merely for defect in form, be set aside by any court of law.(2)No distraint or sale under this Act shall be deemed unlawful, (sic) shall any person making the same be deemed to be a trespasser, on account of any error, defect or want of form in the bill, nonce, schedule, form (sic) or demand, (sic) of distraint, inventory or other proceeding releasing thereto, if the provision of this Act and or the rules and Bye-laws made thereunder have in substance any effect been complied with.

99. Duties of Police Officers.

- It shall be the duty of every police officer,-(a)to communicate without delay to the appropriate officer of the district council any information which he receives of the design to commit, or of the commission of any offence under this Act or any rule or bye-law made under it; and(b)to assist the

President the Secretary or any person acting under the orders of the district council 'remanding his aid for the lawful exercise of any power vesting in the President or the Secretary or such person under this Act or any rule or bye-law made thereunder, or for the performance of any function entrusted to any of them.

100. Employee etc, of district council to be public servants.

- Every employee, every agent for the collection of any sum due to a district council and every person employed by such agent for the collection of such sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

101. Delegation of powers.

(1)The Government may, by notification in the Gazette, delegate all or any of their powers under this Act except those conferred upon them by section 75 to any person or authority and may, in like manner, withdraw any power so delegated.(2)The exercise of any power delegated under sub-section (1) shall be subject to such restrictions, limitations and condition-; and to such control and revision by such authority, as may be specified in the notification.(3)The exercise: of any power delegated under sub-section (1) shall be subject to control and revision by lose Government.(4)A district council or any person exercising or performing any power or function by or under the provisions of this Act or any other low may delegate it or his powers or functions in writing to any person or authority, subject to such rules and also to such restrictions, limitations and conditions as may be prescribed, and subject to control and revision by the Government.

102. Amendments to certain enactments.

- On the coming into force of this Act in any area, the enactments specified in column (1) of the Table below shall apply to that area subject to the modifications mentioned in the Schedule noted against each.TABLE

(1)	(2)
(1) The Kerala Panchayats Act, 1960 (32 of 1960)	Fourth Schedule
(2) The Kerala Municipal Corporation, Act, 1961 (30of 1961)	Fifth Schedule
(3) The Kerala Municipalities Act, 1960 (14 of1961)	Sixth Schedule
(4) The Kera1a Government Lahd Assignment Act, 1960(25of 1960)	Seventh Schedule
(5) The Kerala Plant Diseases and Pests Act, 1972(25 of 1972)	Eighth schedule
(6) The Kerala Cattle Trespass Act, 1961 (26 of1961)	Ninth Schedule
(7) The"Kerala Weights and Measures;('Enforcement) Act, 1958 (45 of 1958)	Tenth Schedule
(8) The Travancore Cochin Fisheries Act, 1950 (34of 1950)	Eleventh Schedule
(9) The Indian Fisheries Act, 1897 (Central Act 4of 1897) is amended by the Indian, Fisheries (Madras Amendment)Act. 1927 (Madras Act 2 of	Twelfth Schedule

1929)	
(10) The Travancore-Cochin Public Health Act, 1955(16 of 1955)	Thirteenth Schedule
(11) The Madras Public Health Act, 1939 (Madras Act3 of 1939)	Fourteenth Schedule
(12) The Travancore-Cochin Irrigation Act, 1956 (7of 1956)	Fifteenth Schedule
(13) The Travancore-Cochin Irrigation Tanks(Preservation and Improvement) Act, 1952 (23 of 1952)	Sixteenth Schedule
(14) The Madras Irrigation Tanks (Improvement) Act,1(sic)49 (19 of 1949)	Seventeenth Schedule
(15) The Madras Irrigation Works (Repairs,Improvements and Construction) Act, 1943 (18 of 1943)	Eighteenth Schedule
(16) The Malabar Irrigation Works (Construction andLevy of Cess) Act, 1947 (7 of 1947)	Nineteenth Schedule
(17) The Madras Irrigation (Levy of BettermentContribution) Act, 1955 (Madras Act 3 of 1955)	Twentieth Schedule
(18) The Kerala Irrigation Works (Execution by JointLabour) Act, 1967 (20 of 1967)	Twenty-first Schedule
(19) The Kerala Survey and Boundaries Act, 1961 (37of 1961)	Twenty-Second Schedule
(20) The Kerala Parks, Play fields and Open Spaces(Preservation and Regulation) Act, 1968 (2 of 1969)	Twenty-third Schedule
(21) The Travancore Public canals and Public FerriesAct, 1096 (6 of 1086)	Twenty-fourth Schedule
(22) The Madras Canals and Public ferries Act, 1890(Madras Act 2 of 1890)	Twenty,-fifth Schedule
(23) The Cochin Ferries and Tolls Act, 1082 (3 of1082)	Twenty-sixth Schedule
(24) The Kerala Education Act,1958(6 of 1959)	Twenty-seventh Schedule
(25) The Kerala Children Act, 1972 (3 of 1973)	Twenty-eighth Schedule
(26) The Cochin Vagrancy Act, 1120(21 of 1120)	Twenty-ninth Schedule
(27) The Kerala Land Development Act, 1964 (17 of1964)	Thirty Schedule
(28) The Kerala Local Authorities Entertainments TaxAct, 1961 (20 of 1961)	Thirty-first Schedule
(29) The' Kerala Cinemas (Regulation) Act, 1958 (32of 1958)	Thirty-second Schedule
(30) The Kerala Land Tax Act,1961(13 of 1961)	Thirty-third Schedule

First Schedule(See section 44 (I))Matters And Subjects Vested In The District CouncilsI.
Administration of La.No Revenue(1)Assignment of Government lands.(2)Maintenance of revenue

record, II. Irrigation (1) Development and maintenance of minor irrigation and lift irrigation. (2) Installation of community pump sets. (3) Reservation and maintenance of dis-used community-tanks. (4) Management and proper use of water (other than water from Projects) for irrigation. Explanation. - For the purposes of this item and item (5), "project" means an irrigation work irrigating or useful for the drainage or protection of lands in more than one districts. (5) Construction of field channels and field bothies in the command areas of major irrigation works other than projects. Explanation 1. - For the purposes of this Item and item (6), "major irrigation work" means an irrigation work irrigating or useful for the drainage or protection of an extent of over two hundred hectares of land. (6) Construction and maintenance of irrigation works other than major irrigation works. (7) Development of proper drainage in paddy fields. (8) construction of wells for irrigation. III. Soil Conservation (1) Soil Conservation measures. (2) Reclamation of water logged areas. IV. Agriculture, (1) Importation, other than from abroad, of Improved seeds and distribution of the same. (2) Multiplication of improved seeds which are approved by the State Government. (3) Adoption of pest control measures and crop protection measures. (4) Popularisation of high yielding variety seeds and seedlings. (5) Proper application of (sic). (6) Soil testing. (7) Organising community operations in paddy fields (common nursery for paddy and appropriate variety paddy seeds). (8) Utilisation of summer fallow paddy land for growing crops like pulses, green manure and fodder. (9) Demonstration of improved agricultural practices and organising crop competitions. (10) Making compost from waste and cultivation of green manure crops. (11) Planting of perennial crops on upper slopes. (12) Replanting and inter cropping in coconut gardens and other such lands (pepper, nutmeg, cinnamon, banana, ginger, tapioca, coco, cloves and other similar crops wherever feasible). (13) Control of coconut diseases and bunchy top disease of banana. (14) Incentives to voluntary agencies for agricultural activities. (15) Eradication of noxious weeds and plants. (16) Warehousing facilities. (17) Supply and maintenance of tractors, power tillers, pump acts and other improved agricultural implements. V. Co-Operation and Credit (1) supply of inputs to farmers through co-operative societies. (2) Educating farmers on the principles of co-operation. (3) Campaign for arrear collection of co-operatives. (4) Securing consumption loans for farmers. (5) Developing co-operative marketing societies. (6) Deposit mobilisation drive. (7) Assisting weaker sections for getting credit from rural banks. VI. Marketing (1) Development of regulated markets and marketing yard. (2) Grading and quality control of agriculture product. (3) Export promotion. VII. Social Forestry (1) Organise campaign for tree planting. (2) Planning and maintenance of avenue trees. (3) Planting of cashew nut trees. (4) Raising and distribution of fuel wood. (5) Cultivation of fodder and soft wood trees. VIII. Animal Husbandry and Dairying (1) Establishment of Veterinary Hospitals and Dispensaries. (2) Setting up of mobile diagnostic and clinical laboratories. (3) Breeding farms for cows and pigs. (4) Poultry farms, duck farms and goat farms. (5) Development of poultry and distribution of improves poultry. (6) Establishment of food mixing plants. (7) Formation of milk co-operatives for procurement and distribution of milk and milk products. (8) Common cold storage facility for dairy, poultry and fishery products. (9) Fodder development programmes. (10) Dairy extension service. (11) Establishment of chilling plants. (12) Propagation of cross-bred cow through artificial insemination. (13) Recycling programme of cow dung and fodder in homesteads. (14) Popularisation of Gobar gas plants. IX. Fisheries (1) Fish seed production and distribution. (2) Development of pisciculture in private and community tanks. (3) Development of inland fisheries. (4) Fish curing and drying. (5) Assistance to traditional fishing. (6) Organising fish marketing co-operatives. (7) Extension

of educational facilities to the fishermen by giving scholarships, stipends, boarding grants and other grants for the purchase of books and other accessories.(8)Organising nursery school and libraries to eradicate illiteracy and impart general education.(9)Establishment of housing colonies.(10)Providing facilities such as drinking water, medical help, community balls and burial grounds to the families of fishermen.(11)Other welfare schemes for the uplift and development of fishermen.X. Household and Small Scale Industries(1)Identification of traditional skills in the locality and developing household industries.(2)Assessment of raw material requirements so as to ensure timely supply.(3)Design and production to suit the changing consumer demand.(4)Organisation of training programme for craftsmen-artisan.(5)Liaison arrangements to tap bank credit for this programme.(6)Marketing of finished products.(7)Popularising the use of such products.(8)Industrial Estates.(9)Organising Handloom, Handicraft and Village and Cottage Industries.(XI)Rural Roads and Inland Waterways(1)Construction and maintenance of roads other than National and State Highways.(2)All bridges and culverts coming under roads other than National and State Highways.(3)Construction and maintenance of office buildings of the District Council(4)Identification of major link roads connecting markets, educational institutions, health centres and link roads in coastal areas.(5)Organising voluntary surrender of lands for new roads and for widening of existing road(6)Cleaning of village tank and providing necessary outlets and bonding to prevent pollution.(7)Maintenance of waterways and canals.XII Minimum Needs Programme(1)Rural drinking water facilities.(2)Steps to assure replenishment of basic life saving drugs in 'the rural dispensaries and chemist shops.(3)Cleaning up public wells.(4)Renovating wells used by weaker Section of society.(5)To help organise nutrition programme by organising local contribution (fuel, utensils etc)(6)Identification of locally available food materials and popularising them.XIII Health and Hygiene(1)Establishment' and maintenance of Hospitals, Primary Health Centres and Dispensaries except Medical College Hospitals, T B. Sanatoriums, Leprosy Hospitals and Mental Hospitals.(2)vaccination campaign for small-pox, cholera, T. B. etc.(3)Health education activities '(4)Maternity and child health activities(5)Family welfare activities.(6)Encourage voluntary blood donations.(7)Malaria and filaria eradication programmes.(8)Organising health camps.(9)Popularisation of E.S.P. type latrine.(10)Rural Water Supply-protected water supply as well as drinking water from wells.(11)Rural drainage and sewerage.(12)Measures against environment pollution.XIV Housing(1)Identification of house less families.(2)Implementation of house building programmes in the district under loan schemes of the Government.(3)Popularising various housing programmes of the Government.(4)Popularising low cost housing.XV. Education(1)Opening of new schools.(2)Construction of school buildings.(3)Supply of furniture, teaching aids, Laboratory equipments etc.(4)Establishment, administration, maintenance and inspection of Pre-primary, Primary, basic and Secondary Schools under the Government.(5)Establishment, supervision, control and inspection of aided and recognised Pre-primary, Primary, Basic and Secondary schools including sanction of grant-in-aid and payment of salaries to teachers of aided schools(6)Programme for Adult Education and Library Movement.(7)Extension work to take Science and Technology to rural areas.XVI. Harijan Welfare(1)Extension of educational facilities to the Scheduled Castes, Scheduled tribes and backward classes by giving scholarships, 'stipends, boarding grants and other grants for the purchase of books and other accessories.(2)Running of hotels for the benefit of Scheduled Castes and Scheduled Tribes.(3)Organising nursery schools, balawadis, night schools and binaries to eradicate illiteracy and impart general education.(4)Conduct of model Welfare Centres and Craft

Centres to train Scheduled Castes and Scheduled Tribes in cottage and rural industries.(5)Government Residential Basic Schools for Scheduled Castes and Scheduled Tribes.(6)Establishment of housing colonies.(7)Providing facilities such as drinking water, electricity, medical help, legal aid, community halls, burial grounds etc. to the families of Scheduled Castes and Scheduled Tribes.(8)Providing facilities for marketing of goods produced by members of the Scheduled Castes and the Scheduled Tribes.(9)Organising Co-operative societies of Scheduled Castes and ' Scheduled Tribes.(10)Other welfare schemes for the uplift and development of Scheduled Castes and Scheduled Tribes .XVII Community Development(1)implementation of the programme for intensified agricultural production, development of village and small in (sic) developing co-operative institutions, extending and improving communication facilities and promoting public health and sanitation in the Block level in a co-ordinated manner.(2)Promoting people's contribution in cash, kind and labour in the above activities.(3)Rural Manpower Programme.(4)Applied nutrition Programme.(5)Local Development Works Programme.XVIII Social Reform Activities(1)Women's Organisation and Welfare.(2)Children's Organisation and Welfare.(3)Local 'vagrancy relief.(4)Maintenance of Social Welfare Institutions such as Poor Homes, Orphanages, Rescue Shelters, etc.(5)Sanctioning and distribution of pension for widows, old and physically disabled destitute and allowances for unemployed and couples of inter-caste marriages in which one party is a member of a scheduled Caste or a Scheduled Tribe.(6)Control of fire outbreaks.(7)Campaign against superstition, casteism, untouchability, alcoholism, expensive marriages and social functions, dowry and Conspicuous consumption.(8)Encouraging community marriages and inter-caste marriages.(9)Vigilance against economic offences such as smuggling, tax-evasion, food adulteration.(10)Assistance for developing lands assigned to landless labourers.(11)Resumption of land alienated by tribal.(12)To identify, free and rehabilitate bonded labour.(13)To organise cultural and recreation activities.(14)Encouragement of sports and games and construction of rural stadia.(15)To give new form and social content to traditional festivals.(16)Verification of weights and measures in shopping establishments.(17)Identification of eligible couples to accept family welfare programme.(18)Educating the mass on family welfare programme.(19)Follow up of acceptors of family welfare,programme with a view to sort out social and physiological problems, if any.XIX. Local Resource Mobile Station(1)Promotion of saving habits.(2)Small saving campaign.(3)Fight against usurious money lending practices and (sic)indebtedness.Second ScheduleForm of Oath or Affirmation(See Section 9)I,a candidate for election as a member In division No.of the district council, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, and that if elected. I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or ill will.Third ScheduleForm of Oath or Affirmation(See Section 22 and 25)I, having been elected member of President/Vice- President of the district council do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will duly and faithfully and to the beat of my ability, knowledge and judgement perform the duties of my office without fear or favour or affection or ill will.Fourth Schedule(See Section 102)Amendments to the Kerala Panchayats Act, 1960(32 of 1960)

1. In section 2,-

(1)in clause (1), for the words and figures "Land Tax Act, 1955" the words, figures and brackets "Kerala Land Tax Act, 1961 (13 of 1961)" shall be substituted.(2)clauses (2), (7), (8) and (15) shall be omitted;(3)for clause (5), the following clause shall be substituted, namely:-"(5) "Commissioner for Local Government" means the Commissioner for Local Government as defined in clause (a) of section 2 of the Kerala District Administration Act, 1979.(4)for clause (9) and (10), the following clauses shall ,be substituted, namely:-"(9)"district" means a district as notified by the Government."(10)"district council,. means the district council constituted under section 3 of the Kerala District Administration Act, 1979." ;(5)for clause (12), the following clause Shall be substituted, namely:"("(12) "executive authority" means the President of the Panchayat ;";(6)for clause (31), the following clause shall be substituted, namely:"("(31) "Secretary" means an officer appointed by the Government to perform the functions of the Secretary under this Act;";(7)in clause (32 , for the words "Land revenue administration", the words "this Act" shall be substituted."

2. . In section 3,-

(1)for the marginal heading and sub-section (1), the following marginal heading and sub section shall be substituted, namely:-" 3. The Government's powers to create and alter panchayat areas and to specify the name and headquarters of Panchayats. - (1) The Government may, by notification in the Gazette-(a)declare any local area comprised within such limits as may be specified to be a Panchayat area for the purposes of this Act and specify the name and headquarters of the Panchayat, or(b)exclude from a Panchayat area any portion thereof; or(c)include in a Panchayat area any (sic) area; or,(d)cancel a notification issued under clause (a) or alter the name and headquarters of the Panchayat as notified under the said clause:Provided that before issuing a notification under clause (b), clause (e) or clause (d) the Government shall give the Panchayat or Panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such Panchayats or Panchayat.";(2)in sub-section (3),-(a)in clause (a), the word "and" occurring at the end shall be omitted;(b)in clause (b), the word "and" shall be added at the end;(c)after clause (b), the following clause shall be inserted, namely:"(c) as to the name of the Panchayat in which the member representing the area included in, or excluded from, a Panchayat area, shall continue as member."

3. In section 4,-

(1)for sub-section (1), the following sub-section shall be substituted, namely:-"(1) There shall be a Panchayat for each Panchayat area elected in the manner prescribed for carrying out all or any of the purposes of this Act.";(2)in sub-section (2), the words "President or" shall be omitted;(3)in sub-section (3), the word "area" shall be omitted.

4. In section 5,-

(1)for sub-section (1), the following sub-section shall be substituted, namely:-"(1) The total number of members of a Panchayat shall be determined by the authority prescribed in this behalf in accordance with such scale as may be prescribed.";(2)in sub-section (2), for the word "Director" the words "authority prescribed in this behalf" shall be substituted;(3)sub-section (3) shall be omitted.

5. After section 8, the following section shall be inserted, namely:-

"8A. The members of the District council to be ex-officio members of the Panchayat. - The members of the district council representing a Panchayat area shall be, ex-officio members of that Panchayat without any right to vote or hold office in the Panchayat. "

6. In section 10, -

(1)in sub- section (1), for the words "Deputy Director may in his jurisdiction", the words "election authority or any officer authorised by it may" shall be substituted;(2)in sub-section (3A), for the words "Deputy Director" wherever they occur, the words "election authority" shall be substituted;(3)for the words, "Deputy Director" occurring in sub-section (7) and(8), the words "election authority" shall be substituted

7. in section 11, in clause (a) of sub-section (3), for the words "executive authority", the word "Secretary" shall be substituted.

8. For section 16, 17, 18, 19 and 20, the following sections shall be substituted, namely:-

" 16. Qualification for membership. - A person shall not be qualified to be chosen to fill a seat in a Panchayat unless he-(a)is an elector of any ward in the panchayat area and makes and subscribes before the election officer or any person authorised by the election authority in this behalf an oath or affirmation according to the form set out for the purpose in Schedule 1A;(b)has completed his twenty-first year of age: and(c)in the case of a seat reserved for Scheduled Castes or Scheduled Tribes, is also a member of any Scheduled Caste or Scheduled Tribe.

17. Disqualification of employees. - No employee of a local authority or a district council or the State Government or the Central Government or a Corporation controlled by the Government shall be qualified for election or for holding office as a member:

Provided that in the case of persons employed by a Corporation controlled by the Government, a disqualification under this section shall operate only in respect of such of the employees of the Corporation who are employed in a supervisory capacity or mainly in a managerial or administrative

capacity.

18. Disqualification of persons convicted of election offences. - Every person convicted of an offence punishable under Chapter IX A of the Indian Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from being elected in any election to which this Act applies or from holding the office of a member for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine :

Provided that in the case of a person holding any office of members a disqualification under this section shall not take effect until three month, have elapsed from the date of his conviction or if within that period an appeal or application for revision is filed in respect of his conviction until that appeal or application is disposed of by the Court.

19. Disqualification of candidates. - (1) A person who has been sentenced by a criminal court to imprisonment for a period of more than two years for any offence involving moral delinquency shall be disqualified for election as a member while undergoing the sentence and for a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for election as a member if at the date of election, he, - (a) has been adjudged to be of unsound mind; or (b) has voluntarily acquired the citizenship of a foreign State; or (c) has been sentenced by a criminal court for any electoral offence punishable under the law relating to elections to local authorities or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and five years have not elapsed from the date of such sentence or disqualification ; or (d) is an applicant to be adjudicated an insolvent or an undischarged insolvent; or (e) is interested in a subsisting contract made with, or any work being done for, the Panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act. Explanation. - A person shall not, by reason of his being as director, member or office bearer of a co-operative society or of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Panchayat may be inserted or by reason of is holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Panchayat, be disqualified under this sub-section; or (f) is engaged as a legal practitioner on behalf of the Panchayat; or (g) is an Honorary Magistrate or a Judge of a Village Court with jurisdiction over the whole or a portion of the Panchayat; or (h) is already a member of the Panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the Panchayat whose term of office has not yet commenced; or (i) is dismissed from the service of the Government or any other service recognised by the Government for corruption or disloyalty to the State and five years have not elapsed from the date of such dismissal; or (j) is debarred from practising as an Advocate or Vakil; or (k) is a leper or a deaf-mute.

20. Disqualification of members. - Subject to the provisions of section 22 a member shall cease to hold office as such if he-

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 19: Provided That a disqualification under this clause shall not take effect until three months have elapsed from the date of the sentence, or if within that period an appeal or application for revision is brought in respect of the sentence, until that appeal or application is disposed of by the Court; 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 any law relating to local authorities or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election; or (e) has applied to be adjudicated, or is adjudicated, an insolvent; or (f) acquires any interest in any subsisting contract made with or work being done for, the Panchayat except as a share-holder (other than a director) in a company or except as permitted by rules made under this Act. Explanation. - A person shall not, by reason of his being a director, member or office bearer of a co-operative society or of his having a share or interest in any newspaper in which any advertisement relating to the affairs of such Panchayat 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 Panchayat be disqualified under this clause; or (g) is engaged as a legal practitioner on behalf of the Panchayat or accepts engagement as a legal practitioner against the Panchayat; or (h) ceases to reside in the Panchayat area; or (i) is debarred from practising as an Advocate or Vakil; or (j) is a leper; or (k) absents himself without the permission of the Panchayat from three consecutive meetings of the Panchayat: Provided that no meeting from which a member absents himself shall be counted against him under this clause if - (i) due 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 of members."

9. In section 21 , -

(1) in sub-section (1), the words "or the disqualification caused by the sentence is removed by an order of Government" shall be omitted; (2) in sub-section (2), for the brackets and letter "(m)", the brackets and letter "(k)" shall be substituted.

10. In section 22,-

(1) in sub-section (4), the words "or nominated under section 8" shall be omitted; (2) sub-section (7) shall be omitted.

11. In section 24,-

(1) in clause (a) of sub-section (1) - (i) for the words "by the Tahsildar", the words "by the authority prescribed in this behalf" shall be substituted, and (ii) for the words "the Tahsildar shall himself preside or appoint a person in place of a Deputy Tahsildar to preside", the words "The said authority or any officer authorised by it shall preside" shall be substituted; (2) in sub-section (4), for

clause (a), the following clause shall be substituted, namely:- " (a) in every case, on the expiry of his term of office as a member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or on his otherwise ceasing to be a member or on his removal from office; and".

12. In section 25,-

(1)for the word "Tahsildar" wherever it occurs, the words "authority prescribed in this behalf" shall be substituted;(2)for the word "him" wherever it occurs, the word "It" shall be substituted.

13. In section 26,-

(1)in clause (i), the word "and" shall be inserted at the end;(2)clause (n) and the word "and" shall be omitted.

14. Section 27 shall be omitted.

15. In section 21, in sub-section (3), for the words "appointed in this behalf by the Deputy Director" and the word "appointed", the words "chosen by the panchayat at a meeting convened for the purpose by the Secretary of the district council or any officer of the district council authorised by him" and the words "chosen" shall, respectively be, substituted.

16. In section 29,-

(1)in sub-section (2), or the words "Deputy Director or any officer empowered by him", the words "Secretary of the district council or any officer of the district council authorised by him" shall be substituted;(2)in sub-section (3), for the words "by the Deputy Director", the words "under sub-section (2)" shall be substituted.

17. For section 30, the following section shall be substituted, namely:"

30. Resignation of President, Vice-President or Member. - (1) The President, Vice-President or any member other than an ex-officio member may resign his office as such President, Vice President or member by giving notice in writing to the panchayat and the notice shall be delivered to the Secretary who shall place the same before the panchayat at its next meeting, where the notice of resignation is not delivered personally to the Secretary, he shall, on receipt of a notice of resignation obtain confirmation from the person concerned as to its genuineness, before it is placed before the panchayat.

(2) A resignation under sub section (1) shall take effect on and from the date on which the notice is placed before the meeting of the panchayat, unless it is withdrawn by the person concerned before the close of that meeting".

18. In section 31, in sub-section (3), the words "and which the approval of the President" shall be omitted.

19. For section 32, the following section shall be substituted, namely:"

32. Payment of allowance to the President, Vice President and Members. - (1) There shall be paid to the President from the funds of the panchayat a fixed monthly allowance at such rate as may be fixed by the Government from time to time to cover incidental expenses and conveyance in connection with the discharge of his duties.

(2) A panchayat may, subject to the maximum limits specified by Government by general or special order, sanction an allowance to the Vice-President and members for covering incidental expenses and conveyance hire for attending the meetings of the Panchayat or any committee thereof or a sitting fee in lieu thereof.

20. For the heading "The Executive Officer and the Executive Authority" and sections 33, 34 and 35 the following heading and sections shall be substituted, namely:-

"Secretary

33. Appointment of Secretary. - For every Panchayat, there shall be appointed a whole-time Secretary who shall be an officer of the Government born on such cadre of Government Service as may prescribed.

(2) The pay and allowances of the Secretary, as fixed by the Government from time to time, shall to paid in the first instance from the State funds.(3) 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 Panchayat.(4) The Government may, at any time, transfer a Secretary from a panchayat and shall do so if such transfer is recommended a resolution of the panchayat passed at a special meeting called for the purpose an supported by the votes of the majority of the sanctioned strength of the panchayat.

34. Functions of the Secretary.-The Secretar. - (i) shall attend the meetings of the panchayat or any Committee thereof and may take part in the discussions there at purely in an advisory capacity but shall have no right to move any resolution or to vote;

(ii)shall control the officers and the servants of the Panchayat subject to the general superintendence and control of the President and subject to such rules as may be prescribed; and(iii)shall discharge all the duties and exercise all the powers specifically imposed or conferred on the Secretary by or under this Act subject to the restrictions and conditions imposed by or under this Act.

35. Emergency powers of the Executive Authority. - The Executive authority may, in cases of emergency, direct the execution of any work or the doing of any act which requires the sanction of the Panchayat and immediate execution or doings of which is in his opinion necessary for the safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the Panchayat Fund:

Provided that-(a)he shall not act under this section in contravention of any decision of the Panchayat prohibiting the execution of any particular work or the doing of any particular act;(b)he shall report the action taken under this section and the reasons therefor to the Panchayat at its next meeting; and(c)he shall not direct the execution of any work or the doing of any act which involves an expenditure of more than one thousand rupees".

21. Section 36 shall be omitted.

22. In section 37, for the words "any other official as the President may effect", the words "any officer" shall be substituted.

23. Section 38 shall be omitted.

24. For section 39, the following section shall be substituted, namely:-"

39. Officer;, and Servants of Panchayats.. - (1) (a) Subject to such terms and conditions as may be prescribed the Government may transfer to the service of a panchayat or place at the disposal of a panchayat, such of their officers and servants as may be necessary for the functioning of the Panchayat.

(b)The officers and servants placed at the disposal of the panchayat shall continue to be Government servants for all purposes and their terms and conditions of service shall continue to be the same as

applicable to them under the Government.(2)Subject to such rules as may be made under sub-section (3), the Government shall fix and may after the number, designations and grades of, and salaries and allowances payable to, the officers and servants of every panchayat.(3)The Government may make rules regarding-(a)the authorities- who may appoint officers and servants of panchayats and the classification, method of recruitment, pay and allowances, discipline and conduct and other conditions of service of such officers and servants; and(b)the constitution of any class of officers and servants of the panchayats into a separate service either for the whole State or any part thereof.

25. In section 41, for the words "Inspector of Panchayats," the words "District Council" shall be substituted.

26. In section 44,-

(1)in sub-section (1),- .(a)in the second sentence, for the words "The Panchayat may", the words "the panchayat shall" shall be substituted; '(b)for the last sentence beginning with the words "The nature and scope" and ending with the words "from time to time", the following sentence shall be substituted, namely:-"The constitution, nature and scope of the work of these Committees shall be in the manner prescribed;"(2)In sub-section (2), for the words "Deputy Director" the words Government or the district Council" shall be substituted.

27. For section 45, the following section shall be substituted, namely:-

"45. Adjudication of disputes between Panchayat and other local authorities.(1)When a dispute exists between a panchayat and one or more than one other local authority or local authorities or a district council in regard to any matter arising under the provisions of this or any other Act, the Panchayat and the local authority or local authorities or the district council, as the case may be are according to their own admission, or in the opinion of Government unable to settle it amicably, any officer of and above the rank of Additional Secretary to Government authorised by the Government in this behalf by general or special order, may settle the dispute by himself or if it cannot be so settled, refer it with a report to the Government for decision.(2)Any decision of the Government under sub-section (1) shall be binding on the panchayat, the other local authority or local authorities and the district council, as the case may be, and shall not be liable to be questioned in any court of law.(3)The powers of Government under this section shall where one of the local authorities concerned is a cantonment authority or the port authority of a major port, be exercisable only with the concurrence of the Central Government."

28. For section 46, the following section shall be substituted, namely:-

"46. Administration report of Panchayats. - (1) Every panchayat shall submit to the district council a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date in such form and with such details as may be prescribed.(2)The report shall be prepared by the Secretary in consultation with the executive authority and the Panchayat shall consider it and forward the same to the district council with its resolution thereon".

29. In section 48,-

(1)for sub-section (1), the following sub-section shall be substituted, namely- "(1) The Commissioner for Local Government shall supervise the administration of Panchayats and shall exercise the powers and perform the duties vested in him by or under this Act.";(2)in sub-section (5),-and(a)in clause (a), the word- "or executive officer" shall be omitted;(b)in the second paragraph, for the words "executive authorities", the words "Secretaries" shall be substituted;(3)in sub-section (6), for the words director or Deputy Director", the words "Commissioner for Local Government" shall be substituted.

30. In section 49, for the word "Director", the words "Commissioner for Local Government" shall be substituted.

31. In section 50,-

(1)for the word "Director" wherever it occurs, the words "Government tor the district council" shall be substituted;(2)for the word "his", the words "their or its" shall be substituted.

32. In section 52,- ,

(1)for the marginal heading and sub-section (1), the following marginal heading and sub-section shall be substituted, namely:- "52. Power to take action in default of a Panchayat, or executive authority.(1)If, at any time, it appears to the Government or the district council that a Panchayat, or executive authority has made default in performing and duty imposed by or made this or any other Act, they may, by order in writing fix a period for the performance of such duty.";(2)in sub-section (2) for the word "Director", the words "Government or the district council" shall be substituted.

33. For section 53, the following section shall be substituted, namely:"

53. Power of Government to remove President or Vice-President. - (1) The Government may, be notification in the Gazette, and With effect from a date to be specified therein, remove any President or Vice-president who, in their opinion, wilfully omits-or refuses to carry out or disobeys the provisions of this Act or any rule, bye-law, regulation or law full order issued then under or abuses the power vested in him.

(2)The Government shall when they propose to take action under sub section (1)-(a)arrange for an enquiry to be conducted into the matter by such officer as may be authorised;(b)give the President or Vice-President, as the case may be, an opportunity for explanation; and(c)specify the reasons for the action take in the notification issue(under sub-section (1).(3)Any person removed under sub-section (1) from the office of President or Vice-President shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary election to the district

council is published in the manner prescribed or the expiry of six months from the date of removal which ever is earlier".

34. For section 54, the following section shall be substituted, namely:-

"54. Motion of no-confidence in President or Vice-President. -(1) Subject to the provisions of this section, a motion expressing want of confidence in the President or the Vice-President may be made in accordance with the procedure laid down herein.(2)Written notice in such forms as may be prescribed of the intention to make any motion referred to in sub-section (1) signed by such number on members of the Panchayat as shall constitute not less than one-third of the sanctioned strength of the Panchayat, together with a copy of the motion which is proposed to be made shall be delivered in person by any of the members of the Panchayat signing the notice to the Secretary.(3)The Secretary shall convene a meeting of the Panchayat for the consideration of the motion, to be held at the office of the Panchayat at time appointed by him which shall not be later than fifteen days from the date on which the notice under sub-section (2) is delivered to him.(4)The Secretary shall give to the members of the Panchayat notice of not less than ten clear days of any meeting held under this section and of the time appointed therefor and(5)A meeting convened under this section shall be presided over by,-(a)the President where the motion is against the Vice-President;(b)the Vice-President where the motion is against the President;(c)a member elected by the members present at the meeting for the purpose if the President or the Vice-President, as the case may be, is unable to provide over the meeting as provided in clause (a) or clause (b) due to absence or otherwise.(6)A meeting convened for the purpose or considering the motion under this section shall not be adjourned except for reason beyond human control.(7)As soon as the meeting convened under this section has commenced the person presiding shall read to the Panchayat the motion for the consideration of which it has been convened and declare it to be open for debate.(8)No debate on any motion under this section shall be adjourned except for reasons beyond human control.(9)A debate on any motion shall automatically terminate on the expiry of four hour from the time appointed for the commencement of the meeting if it is not concluded earlier and upon the conclusion of the debate or upon the expiry of such period of four hours, as the case may be, the motion shall be put to the vote of the meeting.(10)The person presiding shall not speak on the merit of the motion but he shall be entitled to vote thereon, but he shall not exercise any second or casting vote.(11)The copy of the minutes of the meeting together with the copy of the motion and the result of the voting thereon shall forthwith, on the termination of the meeting, be forwarded to the Government by the Secretary.(12)If the motion is earned With the support of the majority of the members of the Panchayat holding office on the date of the meeting, the Government shall, by notification in the Gazette, remove the President or the Vice-President, as the case may be.(13)If the motion is not earned by such majority as afore aid or the meeting cannot be held for want of quorum, no notice of any, subsequent motion expressing want of confidence in the same President or Vice-President shall be received until after the expiry on six months from the date of the meeting or the date fixed for the meeting, as the case may be.(14)No notice of a motion under this section shall be received within six months of the assumption of office by the President or Vice-President, as the case may be.

35. In section 55, in sub-section (1), the words "is not competent to perform or" shall be omitted.

36. For section 57, the following section shall be substituted, namely:-

"57. Powers, duties and functions of Panchayats. - (1) Subject to the rules made under this Act, it shall be the duty of the Panchayat to meet the requirements of the Panchayat area in respect of the matters enumerated in Schedule VI.(2)subject to the other provisions of this Act and the directions of the Government, the Panchayat shall have exclusive power to administer the matters enumerated in Schedule VI.(3)Subject to the rules made under this Act, the Panchayat may also, within the limits of Its funds and subject to the control and supervision of the district council make reasonable provision for meeting the requirements of the Panchayat area in respect of the matters enucurrated In Schedule VII.(4)The Government and the district council shall, subject to availability of resources, provide necessary financial, technical and other assistance to the Panchayats to enable them to discharge their functions.(5)All grants-in-aid sanctioned by the Government or the district council in respect of the matter. enumerated in Schedule VI shall be distributed through the Panchayats concerned.

37. In section 38, -

(1)in sub-section (1), for the words "the Director or the Collector", the words "or the district council" shall be substituted;(2)for sub-section (2), the following sub-section shall be substituted, namely:-"(2) The Government or the district council may, in addition to the powers and functions herein before mentioned as exercisable by the Panchayats, authorise by general or special order, subject to much rules as may be made and such conditions as may be imposed, a Panchayat to exercise any other power or discharge any other function.(3)in sub-section (4), after the word "Government" in both the places where it occurs, the words "or the district council" shall be inserted.

38. In section 62, in sub-section (1), for the words "roads classified as National Highways, State Highways or district roads" the words "NatiOnal Highways and other roads classified as Highways by the Government" shall be substituted

39. In section 66, -

(1)in sub-section (3), for the words "may be levied with the sanction of the Director" the words "shall be levied wherever such services are provided by the Panchayat" shall be substituted;(2)for sub-section (5), the following sub-section shall be substituted, namely:-"(5) (i) A show tax shall be levied on all shows within the Panchayat area at the rates prescribed by the Government in this behalf.Explanation. - The term 'show' shall include any entertainment' exhibition, performance, amusement, game, sport or race to which persons are admitted for payment.(ii)The tax leviabale shall

be payable by and recoverable from the owner of the premises where the show is conducted, if he receives rent for the show or if no rent is paid, the proprietor of the show including any person responsible for the management thereof.

40. After section 68, the following section shall be inserted, namely -

68A. Levy of building-tax on direction by Government. -(1) The Government may by order published in the Gazette, direct any panchayat to levy the building tax, leviable under section 68 at such rate and with effect from such date (not being earlier than the first day of the half year immediately following that in which the order is published), as may be specified in the order.

(2)When an order under sub-section (1) has been published, the provisions of this Act relating to tax shall apply as if the panchayat 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 panchayat under section 68 determining the rate at which and the date from which the tax shall be levied had taken effect.(3)A Panchayat shall not after the at which the tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government."

41. In section 69, -

(1)in sub-section (1), in -sub-clause .b) of clause (ii) the words "pension or" shall be omitted,(2)in sub-section (4), for the words and figures "the Trivandrum City Municipal Act, 1116, the Madras District Municipalities Act, 1920, Travancore District municipalities Act, 1116 or the Cochin Municipal Act XVII of 1113", the words, figures and brackets "the Kerala Municipal Corporations Act, 1961 (30 of 1961) or the Kerala municipalities Act, 1961 (14 of 1961)"shall be substituted;(3)for sub-section (3). the following sub-section shall be substituted, namely:-"(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or hold; any appointment within the limits of any other local authority or authorities, liable to profession tax for more than the highest of the amounts of tax leviable by any of the local authorities. In such cases the tax shall be levied by the local authority which levied the highest rate of tax and shall be apportioned among the local authorities in such proportion as may be prescribed:Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the local authorities shall be subject to the concurrence of the Central Government obtained in such manner as may be prescribed."

42. In section 70, the words "fixed by the panchayat not exceeding the maximum rates" shall be omitted:

43. In section 71 ,-

(1)in clause (b) of sub-section- (1), for the words "at such rate as may be filed by the Government not exceeding four", the words "at the rate of five" shall be substituted;(2)for sub-section (4), the following subsectiOns shall be substituted, namely:-"(4) The amounts collected mall the Panchayats in the State as duty on transfers of property under this section shall be pooled every year for the entire State and distributed among the Panchayats after deducting three per cent thereof towards collection charges.(5)Seventy five percent of the amounts payable to the Panchayats under sub-section (4) shall be distributed among all the Panchayats in the State in proportion to the population of the Panchayat areas as ascertained at the latest census of which relevant figures have been published. The balance of twenty-five per cent of the amounts shall be distributed to the Panchayats in such proportion, as may be fixed by the Government or such other Officer as they may authorise by special or general order having regard to the area, available resources, needs of development and cost of Panchayat administration.

44. In section 72, for the Explanation, under sub-section (1), the following

Explanation shall be substituted, namely· -Explanation. - The exemption granted under this section shall not extent 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 the residential quarters attached to hospitals, dispensaries and libraries."

45. For section 73, the following section shall be substituted, namely:-

"73. Surcharge on building tax. - (1) A Panchayat may, in the manner prescribed, levy either from the whole Panchayat area or any specified portion thereof and for a specified time a surcharge on the budding tax levied under section 68 to cover any unusual expense, incurred by it in ,respect of any plan, project or work.(2)Any surcharge levied under this section shall be demanded and collected in the same manner as if it were the building tax levied under section 68.

46. In section 75, for the word "Collector", the word "Government' shall be substituted.

47. In section 76, in sub-section (2), -

(1)for item (xiv), the following item shall be substituted, namely. -"(xiv) grants and voluntary or other contributions received from the Government, the district council, a loca1 authority or any person except the grants or contribution for the special fund;"(2)item (xvi) shall be omitted.

48. After section 76, the following section shall be inserted, namely:-

"76A. Special Fund. - A Panchayat may constitute a special Fund for the Panchayat from which the expenditure for special welfare or developmental purposes shall be met. The procedure for the

constitution, receipt, custody, audit and application of the fund shall be regulated in such manner as may be prescribed.

49. In section 77 -

(1)in sub-section (1), for the word "Director", the words "Commissioner for Local Government" shall be substituted;(2)in sub-section (3), the words "or the Director" shall be omitted,(3)for the proviso to sub-section (4), the following proviso shall be substituted, namely:"Provided that the amount of any such contribution shall not exceed one thousand rupees.(4)in sub-section (5), for the word "Director" the word "Government" shall be substituted.

50. in section 78, -

(1)in sub-section (1),-(a)for the words "Deputy Director" in both the places where they occur, the words "district council" shall be substituted;(b)for the words "duly authorised officers", the words "the district council" shall be substituted;(c)for the words "other authorised officers", the words "the district council" shall be substituted; '(2)in sub-section (2) ,-(a)for the words "Deputy Director", the words "district council" shall be substituted;(b)for the word "he", the word "it" shall be substituted;(c)for the word "his," the word "its" shall be substituted.(3)in sub-section (3), for the words, "Deputy Director", in both the places where they occur, the words "district council" shall be substituted.

51. In section 80, for the words "Director" and "him", the words "Government" and "them, shall respectively be substituted.

52. In section 81, in sub-section (1) for the words, brackets and figures "Local Authorities Loans Act, 1914 (Central Act 9 of 1914) and the Travancore-Cochin Local Authorities Loans Act, 1951 ", the words, brackets and figures "Kerala Local Authorities Loans Act, 1963 (3 of 1963)" shall be substituted.

53. In section 82, in the proviso to sub-section (1), between the words "a work of" and "irrigation", the word "major" shall be inserted.

54. In section 83,'

(1)for the word "collector", the words "district council" shall be substituted;(2)for the last two sentences beginning with "If such person and ending with "Panchayat", the following sentence shall be substituted, namely:-"If such person fails to pay the contribution within such time as may be prescribed the amount shall be recoverable as provided in section 74".

55. In section 84, in clause (c), words "in the opinion of the the Tahsildar" shall be omitted.

56. In section 85, in sub-section (1), the words "with the sanction of the Director" and the words "and With like sanction" shall be omitted.

57. In section 86,-

(1)sub-section (3) and (he Explanation thereto shall be omitted;(2)in the proviso to sub-section (4), for the figures and words "25 cents' and "50 cents", the figures and words "o 1 hectare" and "o.2 hectare" shall respectively be substituted.

58. In section 91, in clause (b) and in the proviso, for the word" Collector" the words "Regional Transport Authority" shall be substituted.

59. In section 95, in sub-section (2), for the words "Any officer", the words "The executive authority or any officer" shall be substituted.

60. In section 96, the words "with the previous approval of the Director" shall be omitted. '

61. . In section 98, in sub-section (2), the words "subject to sanction of the Director" shall be omitted.

62. In section 102, in sub-section (1), for the words "one hundred years", the words "ninety metres" shall be substituted.

63. For section 110, the following section shall be substituted, namely:.,

110. Government not to obtain licences and permissions. - Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring any 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 be-lowing to such Government.

64. In section 111, in sub-section (1), in clause (a), -

(i)for the words "any branch of a tree, the words "any branch or portions of a tree" shall be substituted ;(ii)after the words" or any structure", the words "or any cultivation" shall be inserted.

65. For section 116, the following section shall be substituted, namely:

"116. Power to call for information from village officers. -(1) The executive authority may, by an order in writing require any Village Officer, in the Panchayat area to furnish him with. information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein and every such order shall be Complied with by the village officer.(2)The order shall specify the period within which it may be complied with but the executive authority may from time to time extend such period.

66. In section 118, in the first proviso,-

(1)for the words "Collector or any of his subordinates", the words "my officer of the land revenue department" shall be substituted ;(2)for the word "Collector", the words "officer authorised by the Government" shall be substituted.

67. In section 122, for the words "executive authority", occurring in the marginal heading and in sub-section (1), the word "Secretary" shall be substituted.

68. In section 123, for the words, "executive authority", wherever they occur, the word "Secretary" shall be substituted.

69. In section 124, for the words "executive authority", in both the places where they occur, the word "Secretary" shall be substituted .

70. In section 126, in sub-section (1),-

(1)for the words "executive authority" wherever they occur the word "Secretary" shall be substituted ;(2)for the word "Director", the word "Government" shall be substituted

71. In section 128, in clause (b) of sub-section (1), for the words executive authority", in both the places where they occur, the word "Secretary" shall be substituted.

72. After. Chapter VII, the following Chapter and section shall be inserted, namely:-

"Chapter-VII A 128. Taluk samithi. -(1) Subject to such rules as may be made there shall be a taluk.samithi in each taluk with all the Presidents of the Panchayats in the taluk as members. The members shall elect from among themselves a President.(2)The members of the Legislative Assembly and the district council representing any area comprised in the taluk shall be ex-Officio

members of the taluk samithi of that taluk.(3)The samithi shall meet at least once in three months and more often if necessary.(4)All general matters concerning the Panchayats in the taluk shall be discussed in the samithi for arriving at suitable solution.(5)The procedure to be followed in the meetings of the samithi shall be regulated by such rules as may be made.(6)Developmental activities Within the taluk shall be conducted by the district council in consultation with the taluk samithi.(7)An officer to be prescribed in this behalf shall be the Secretary and Convener of the taluk samithi.Explanation. - In this Chapter, "taluk" means the area notified by the Government to be a taluk for the purpose of this Chapter.

73. In section 129, in item (xx) of sub-section (2), for the words "executive authorities", the word "Secretaries" shall be substituted.

74. In section 130, sub-section (2) shall be omitted.

75. In section 131, for the word "Director", wherever it occurs, the word "Government" shall be substituted.

76. In section 134, in the second proviso, for the word "Collector", the words "Commissioner for Local Government" shall be substituted .

77. In section 136, for the words "Secretary" shall be substituted.

78. In section 143,-

"executive authority", the word(1)in sub-section (1), the words "the Director, the Deputy Director, the Collector" shall be omitted ;(2)sub-section (2) shall be omitted;(3)for sub-section (3), the following sub-section shall be substituted, namely:-(3) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and subject also to the control and revision by the Government or by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered." ;(4)sub-section (4) shall be omitted.

79. In section 144,-

(1)in sub-section (2), for the words "Deputy Director", the words "authority prescribed in this behalf" shall be substituted;(2)for sub-section (3), the following sub-section shall be substituted, namely:-(3) (i) The Government may, in their discretion at any time, either suo motu or on application, call for and examine the record of any order passed or proceedings recorded under the provisions of this Act by-(a)any officer, authority or person authorised by the Government under sub-section (1) of section 143 or any officer empowered by them under that section, or(b)any other authority or officer, for the purpose of satisfying themselves as to the legality of such order, or as to

the regularity of such proceedings and pass such order in reference thereto as they think fit.(ii)The powers of the nature referred to in clause (i) may also be exercised by such authority or officer as may be empowered in this behalf by the Government.

80. Section 146 and Schedule V mentioned therein shall be omitted.

81. Section 148 shall be omitted.

82. In section 149, in sub-section (2), for the word "Collector" the words 'Government or any officer authorised by them' shall be substituted.

83. After Schedule I, the following Schedule shall be inserted, namely:-

IA

Form of Oath or AffirmationSee section 16)I, a candidate for election as a member in ward No of the Panchayat do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that if elected I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or ill will.

84. In Schedules III and IV the item "levy of fees in private evening market (Anthikada)" and the entries thereto shall be omitted.

85. After Schedule V, the following schedules shall be added, namely:-

VI

(See Section 57)(i)Meeting the expenditure of Village Courts and the maintenance thereof.(ii)Construction and maintenance of petty irrigation works.(iii)The construction and maintenance of Village roads classified as such by Government.(iv)The lighting of public roads and public places.(v)Drainage and sanitation.(vi)The opening and maintenance of burial and burning ground.(vii)Arrangement of water supply .(viii)Establishment, maintenance and licensing of markets, slaughter houses, bus stands, cart stands, landing places, halting places, ferries and bathing and washing ghats.(ix)Control of fairs and festivals.(x)Conducting cattle and poultry shows and crop competitions.(xi)Child Welfare.(xii)Assistance to widows, the old, infirm, the physically handicapped and T. B. patients.(xiii)Establishment, maintenance and encouragement of reading rooms, libraries, recreation centres and children's parks, community halls, playgrounds, open air theatres etc.(xiv)Management of Panchayat schools and general supervision of other pre-primary and primary schools not attached to secondary schools.(xv)Arranging competitions for school students in art, drama, elocution competition, sports and games; awarding merit scholarships to students; and encouragement of school libraries.(xvi)Establishment of community assets and

remunerative enterprises.(xvii)Registration of births, marriages and deaths.(xviii)Vaccination and other preventive and remedial measures against epidemics.(xix)Control of offensive and dangerous trades and provision of amenities for the proper conduct of such trades.(xx)Control of cattle pounds; and disposal of stray dogs and unclaimed cattle(xxi)Disposal of unclaimed corpses and carcasses of animals.(xxii)Planting, nature and preservation of shade trees along public roads and public places.(xxiii)Relief of persons in distress due to natural calamities or otherwise.

VII

(See section 57)(i)Agriculture-(a)the improvement of agriculture and establishment of model agricultural farms;(b)the establishment of granaries;(c)bringing under cultivation waste and fallow lands belonging to or vested in the Panchayats;(d)ensuring conservation of manual resources, cultivation of green manure, preparing compost and sale of manure; 1· (e)the establishment and maintenance of nurseries of improved seeds and seedlings;(f)provision of implements, stores, insecticides etc;(g)the promotion of co-operative farming';(h)the conducting of crop experiments and launching of crop protection schemes,(i)encouraging farmers' clubs and other associations of agriculturists;(j)assistance in the implementation of land reform scheme;(k)execution of soil conservation schemes;(ii)Animal husbandry -(a)improvement of cattle and cattle breeding and the general care of livestock;(b)the promotion of dairy farming;(c)the maintenance of stud-bulls and rams;(d)the promotion of poultry farming and bee-keeping;(iii)Education and culture-(a)the promotion of art and culture including the establishment and maintenance of theatres;(b)noon-feeding of school children;(c)the creation of memorials for celebrities and historical personages;(iv)Social Welfare--(a)maternity welfare and the establishment and maintenance of orphanages and foundlings' home;(b)family welfare ;(c)organising voluntary labour for community works for the development of the village ;(d)destitute homes and beggar homes;(v)Public health and sanitation-(a)preservation and improvement of public health;(b)the reclaiming of unhealthy localities;(c)providing medical relief;(d)the inoculation of animals and birds;(e)the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;(f)maintenance of the purity of fish, meat and other food stuffs;(vi)Public Works-(a)the construction and maintenance of .houses under colonisation and settlement schemes ;(b)construction and maintenance of choultries, travellers' bungalows and rest houses ;(c)construction and maintenance of houses for Panchayat staff and other village functionaries;(d)the establishment and maintenance of works for the provision of employment, particularly in times of scarcity ;(vii)General-(a)preparation of plans for the development of the Panchayat area;(b)the promotion, improvement and encouragement of cottage and village industries;(c)promotion of pisciculture ;(d)promotion of small savings;(e)preservation of objects of archaeological interest;(f)the promotion of social and moral welfare of the inhabitants of the Panchayat area, promotion of social equality, amelioration of the condition of the backward classes, the eradication of corruption and the discouragement of gambling, untouchability and other anti-social activities ;(g)any other measure or work which is likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the Panchayat area.".Fifth Schedule(See section 102)Amendments To The Kerala Municipal Corporations Act, 1961 (30 of 1961)I. In section 3, after clause (15), the following clause shall be inserted, namely:-(15A) "district council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979.

2. After section 5, the following section shall be inserted, namely:-

"5A. Members of district councils to be ex-officio members of municipal corporations. - The members of the district council representing any area within a city shall be ex-officio members of the corporation council without any right to vote or hold office in the municipal corporation."

3. After Chapter XIII in Part IV, the following Chapter shall be inserted, namely :-

"Chapter XIII A Entrustment of functions by District Councils

366A. Exercise of functions entrusted by district councils. - (1) It shall be lawful for a corporation council to perform such functions as may be entrusted to it by the district council in respect of the matters enumerated in the First Schedule to the Kerala District Administration Act, 1979, subject to such terms and conditions as may be laid down by the district council.

(2)The district council shall, subject to availability of resources, provide necessary financial, technical and other assistance to the corporation council to enable such corporation council to perform the functions entrusted to it under sub-section (1).(3)The district council and its officers shall have the power to supervise and inspect the corporations of the corporation council in respect of the functions entrusted under sub-section (1).(4)Where functions are entrusted to a corporation council under sub-section (1), the corporation council shall exercise those functions, subject to such restrictions and control as may be prescribed or as may be laid down by general or special order of the Government."Sixth Schedule(See section 102)Amendments To The Kerala Municipalities Act, 1960 (14 of 1961)

1. In Section 3,-

(1)for clause (6), the following clause shall be substituted, namely :"(6) "Collector" means the Secretary of the district council as defined in clause (p) of section 2 of the Kerala district Administration Act, 1979 and includes such other authority or officer as may be notified by the Government.";(2)after clause (13), the following clause shall be inserted, namely:"(13A) "district council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979."

2. After section 7, the following section shall be inserted, namely:-

" 7A. members of district councils to be ex-officio members of Municipal Councils.-The members of the district council representing a municipality or portion thereof shall be ex-officio members of that municipal council without any right to vote or hold office in the municipal council. "

3. After Chapter XIII in Part IV, the following Chapter shall be inserted, namely:-

Chapter XIII

A Entrustment of functions by District Councils

343A. Exercise of functions entrusted by district councils. - (1) It shall be lawful for a municipal council to perform such functions as may be entrusted to it by the district council in respect of the matters enumerated in the First Schedule to the Kerala district Administration Act, 1979; subject to such terms and conditions as may be laid down by the district council.

(2)The district council shall, subject to availability of resources, provide necessary financial, technical and other assistance to the municipal council to enable such municipal council to perform the function entrusted to it under sub-section (1).(3)The district council and its officers shall have the power to supervise and inspect the operations of the municipal council in respect of the functions entrusted under sub-section (1).(4)Where functions are entrusted to a municipal council under sub-section (1), the municipal council shall exercise those functions subject to such restrictions and control as may be prescribed or as may be laid down by general or special order of the Government".Seventh Schedule(See section 102)Amendment To The Kerala Government Land Assignment Act, 1960 (30 of 1960)After section 8, the following section shall be inserted, namely:-"8A. Exercise of powers of Government by district councils. - The powers of the Government under this Act except those under section 7 shall be exercisable by the district council constituted under Section 3 of the Kerala District Administration Act, 1979, subject to such restrictions and control as may be laid down by the Government from time to time."Eight Schedule(See section 102)Amendments To The Kerala Plant Disease And Pests Act, 1972 (25 of 1972)

1. In section 2, for clause (b), the following clause shall be substituted, namely:-

"(b) "District Collector" means the Secretary of the district council as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979 and shall include such other officer of the district council as may be authorised by it;"

2. After section 15, the following section shall be inserted, namely:-

"15A. Exercise of powers of Government by the district council. - The powers of the Government under this Act, except the power under section 16, shall, subject to such restrictions as may be prescribed, be exercised by the district council or by such authority or officers as may be authorised by the district council in this behalf.Explanation. - For the purposes of this section, "district council"

means the district council constituted under section 3 of the Kerala District Administration Act, 1979. Ninth schedule (See section 102) Amendment To The Kerala Cattle Tress pass Act, 1961 (26 of 1961) In clause (2) of section 2, for the words "the Director appointed under clause (7) of section 2 of the Kerala Panchayats Act, 1960 (Act 32 of 1960)", the words "such authority or officer as the Government may authorise in this behalf" shall be substituted. Tenth Schedule (See section 102) Amendment To The Kerala Weights And Measures (Enforcement) act, 1958 (45 of 1958) After section 41, the following section shall be inserted, namely:-

41A. Delegation of functions and powers of Government to the district council and its officers. - The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification, direct that such of the powers and functions vested in them under this Act except the powers under sections 42' and 43 shall be exercised by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers subject to such restrictions and control as may be prescribed.

Eleventh Schedule (See section 102) Amendment To The Travancore-Cochin Fisheries Act, 1950 (XXXIV of 1950) After section 23, the following section shall be inserted, namely:-

23A. Delegation of powers and functions of Government to district councils. - The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification, direct that such of their powers and functions under this Act except the powers under sections 5 9, 18 and 22 shall be exercisable by the district council constituted' under section 3 of the Kerala District Administration Act, 1979 and its officers subject to such restrictions and control as may be specified by the Government.

Twelfth Schedule (See section 102) Amendments To The Indian Fisheries Act, 1897 (Central Act 4 of 1897) As Amended By Indian Fisheries (Madras, Amendment) Act, 1927 (Madras Act II of 1927)

1. For section 8, the following section shall be substituted, namely:-

"8. Recovery of rents, fees and other moneys payable under the Act.- All rents, fees and other moneys payable on account of fishery leases and licences granted under this Act may be recovered in like manner as if they were arrears of land revenue.

2. After section 8, the following section shall be added, namely:-

"9. Delegation of powers and functions of Government to district councils. The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification,

direct that such of their powers and functions under this Act except the power under section 6 shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers subject to such restrictions and control as may be specified by the Government. Thirteenth Schedule (See section 102) Amendments To The Travancore-Cochin Public Health Act, 1955 (Xvi of 1955)

1. In section 2, after clause (6), the following clause shall be inserted, namely:-

" (6A) "District council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979.

2. 'After section 154, the following section shall be inserted, namely:-

" 154A. Exercise of powers of Government by the district council. - Subject to such restrictions and conditions as may be prescribed, the powers vested in the Government under this Act, except their power to make rules. under this Act and their powers under sub section (2) of section 6 and sections 135 and 161 shall be exercisable by the district council and by such authority or officer as the district council may authorise, in so far as those powers are necessary to perform the functions vested in the district council under item XIII of the First Schedule to the Kerala District Administration Act, 1979. Fourteenth Schedule. (See section 102) Amendments To The Madras Public Health Act, 1939 (Madras Act III of 1939)

1. In section 3, after clause (3), the following clause shall be inserted, namely:-

"(3A) "district council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979.

2. After section 143A, the following section shall be inserted, namely:-

" 143B. Exercise of powers of Government by the district council. - Subject to such restrictions and conditions as may be prescribed, the powers vested in the Government under this Act except their power to make rules under this Act and their powers under sections 2 (2), 2 (3) (b), 8 (2), 127 (1) and 145 shall be exercisable by the district council and by such authority or officer as the district council may authorise, in so far as those powers are necessary to perform the functions vested in the district council under item XIII of the First Schedule to the Kerala District Administration Act, 1979." Fifteenth Schedule (See section 102) Amendments To The Travancore-Cochin Irrigation Act, 1956 (VII of 1956)

1. In section 2,-

(1)for clause (1), the following clause shall be substituted, namely;"(1) "Collector" means the Secretary of the district council, as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979;(2)after clause (2), the following clause shall be inserted, namely:"(2A)"district council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979.

2. After section 3, the following section shall be inserted, namely:-

"3A. Exercise of the powers of Government by the district council.-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 district council or such other authority or officer as it may authorise, in respect of irrigation works other than major projects.".Sixteenth Schedule(See section 102)Amendments To The Travancore-Cochin Irrigation Tanks (Preservation And Improvement) Act, 1952 (XXIII of 1952)

1. In section 2,-

(1)For clause (i), the following clause shall be substituted, namely:-" (i) 'Collector' means the Secretary of the district council, as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979."

2. After clause (ii), the following clause shall be inserted, namely:"

(iii)'district council' means the district council constituted under section 3 of the Kerala District Administration Act, 1979."

3. After section 3, the following section shall be inserted, namely :-

"3A. Exercise of the powers of Government by the district council. - The powers conferred on the Government under this Act except the power under sub-section (2) of section (7) shall be exercised by the district council or such other authority. or officer as it may authorise subject to such conditions and restriction as may be specified by the Government by notification in the Gazette."Seventeenth Schedule(See section 102)Amendments To The Madras Irrigation Tanks (Improvement) Act, 1949 (Xix of 1949)

1. In section 2, clause (a) shall be re-lettered as clause (aa) of that section and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:-

"(a) 'District Collector' means the Secretary of the district council, as defined in clause (p) of section 2' of the Kerala District Administration Act,,1979;"

2. In section 7, 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 District Council Constituted under the Kerala District Administration Act, 1979 or any other authority or any officer of the Government and the control and revision of the acts and proceedings of any authority of officer, Eighteenth Schedule(See Section 102)Amendments to the madras irrigation works (repairs, improvements as construction) act, 1943(Madras Act XVIII of 1943)

1. To section 6, the following Explanation' shall be added, namely:"

Explanation. - For the purposes of this section, 'District Collector mean the Secretary of the district council as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979".

2. In section 7, in sub-section (1), for the words "to any person or authority sub ordinate to the State Government", the words "to the District council constituted under the Kerala District Administration Act, 1979 or any other authority or any officer of the Government" shall be substituted.

Nineteenth Schedule '(See Section I 02)Amendments To The Malabar Irrigation Works (Construction And Levy of Cess) Act, 1947(VII of 1947)

1. In section 2,-

(1)Clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so, re-lettered the following clause shall be inserted, namely:-"(a) "Collector" means the Secretary of the district council, as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979;(2)clause (b) shall be re-lettered as clause (bb), and before clause (bb) as so re-lettered, the following clause shall be inserted, namely:-"(b) "district council" means the district council constituted under section 3 of the Kerala District Administration Act, 1979;

2. After section 2, the following section shall be inserted, namely:-

"2A. Exercise of the powers of Government by the district council 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, shall be exercised by the district council or such other authority or officer as it may authorise, in respect of irrigation works other than major projects."Twentieth Schedule(See Section 102)Amendment To The Madras Irrigation (Levy of Betterment Contribution) Act, 1955(Madras Act III of 1955)After section 12, the following section shall be inserted, namely:-"12A. Exercise of the powers of Government by the district council 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, shall be

exercised by the district council constituted under section 3 of the Kerala District Administration Act, 1979 or such other authority or officer as it may authorise, in respect of irrigation works other than major projects."Twenty-First Schedule(See Section 102)Amendments To The Kerala Irrigation Works (Execution By Joint Labour) Act, 1967 (20 of 1967)

1. In section 2, the existing clause (a) shall be re-lettered as clause (aa) of that section and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:-

"(a) District Collector' means the Secretary of the district council as defined in clause(p)of section 2 of the Kerala District Administration Act 1979."

2. After section 12, the following section shall be inserted, namely :-

" 12A. Delegation of powers of Government to district councils . - The Government may, by notification in the Gazette, delegate any of their powers under this Act except the powers under sections 7, 8 and 12 to the district council constituted under section 3 of the Kerala District Administration Act, 1979, subject to such restrictions and conditions as may be specified by the Government."Twenty -Second Schedule(See section 102)Amendments To The Kerala Survey And Boundaries Act, 1961 (37 of 1961)

1. In section 2, for clause (i), the following clause shall be substituted, namely:- "(1) "Collector" means' the Secretary of the district council as defined in clause (P) of section 2 of the Kerala District Administration Act, 1979.

2. after section 23, the following section shall be inserted, namely :-

"23A. Exercise of the powers of Government by the district council. - The powers of the Government under this Act except the power under section 22 shall subject to such terms and conditions as may be prescribed, be exercisable by the district council from such date as may be notified by the Government in this behalf.Explanation. - For the purpose of this section, district council means the district council constituted under section 3 of the Kerala District Administration Act, 1979 and includes any authority or employee authorised by the district council.Twenty-Third Schedule(See section 102)Amendment To The Kerala Parks, Play fields And Open Spaces (Preservation And Regulation) Act, 1968 (2 of 1969)After section 13, the following section shall be inserted, namely :-"13A. Exercise of certain powers of Government by the district council The powers and functions of the Government except those under section 14 shall be exercised by the district council constituted under section 3 of the Kerala District Administration Act, 1979, subject to such rules as may be prescribed.Twenty-Fourth. Schedule(See section I 02)Amendment To The Travancore Public Canals And Public Ferries.Act, (Vi of 1096)After section 83, the following section shall be added, namely :-"84. Delegation of powers and functions of Government to district council. - The Government may,

by notification in the Gazette and with effect from such date as may be specified in the notification, direct that such of their powers and functions under this Act except the powers under Chapter X shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions vested in it under Item XI (7) of the First Schedule to the said Act and subject to such restrictions and control as may be specified by the Government in this behalf.

Twenty-Fifth Schedule (See section 102) Amendment to the Madras Canals and Public Ferries Act, 1890 (Madras Act II of 1980) After section 21, the following section shall be added, namely:—"22. Delegation of powers and functions of Government to district councils. - The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification direct that such of their powers and functions under this Act except the powers under section 16 shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions vested in the district council under Item XI (7) of the First Schedule to the said Act and subject to such restrictions and control as may be specified by the Government in this behalf.

Twenty-Sixth Schedule (See section 102) Amendment To The Cochin Ferries And Tolls Act, 1082 (III of 1082) After section 12, the following section shall be added, namely:—"13. Delegation of powers of Government to district councils and its officers. - The Government may, by notification in the Gazette and with effect from such date as may be fixed, direct that such of their powers and functions under this Act shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions vested in them under item XI (7) of the First Schedule to the said Act and subject to such restrictions and control as may be specified by the government in this behalf".

Twenty-Seventh Schedule (See section 102) Amendment To The Kerala Education Act, 1958 (6 of 1959) After section 34, the following section shall be inserted, namely:—"

34A. Delegation of powers to the district council and its officers. - The Government may, by notification in the Gazette and With effect from such date as may be fixed, direct that such of their powers and functions under this Act except the power under section 36, be exercised by the district council constituted under the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions, vested in them under item XV in the First Schedule to the said Act.

Twenty-Eight Schedule (See section 102) Amendment To The Kerala Children Act, 1972 (3 of 1973) After section 59, the following section shall be added, namely:—"59. Delegation of powers and functions of the Government to the district councils. - The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification, direct that such of their powers and functions under this Act except the power to make rules under this Act and the power under section 4 shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions vested in it under item XVIII (2) of the first Schedule to the said Act and subject to such restrictions and control as may be specified by the Government in this

behalf. Twenty-Ninth Schedule (See section 102) Amendment To The Cochin Vagrancy Act, 1120 (XXI of 1120) After section 27, the following section shall be inserted, namely:"

27A. Exercise of powers of Government by the district councils. - The Government may, by notification in the Gazette and with effect from such date as may be specified in the notification, direct that such of their powers and functions under this Act except their power to make rules and their power under section 1 shall be exercisable by the district council constituted under section 3 of the Kerala District Administration Act, 1979 and its officers to the extent to which they are necessary for the performance of the functions vested in it under item XVIII (3) of the First Schedule to the said Act and subject to such restrictions and control as may be specified by the Government in this behalf.

Thirtieth Schedule (See section 102) Amendment's To The Kerala Land Development Act, 1964 (17 of 1964)

1. In section 2,-

(1) clause (a) shall be omitted; (2) for clause (b), the following clause shall be substituted, namely: "(b) 'Collector' means the Secretary of the district council as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979; (3) for clause (c), the following clause shall be substituted, namely: "(c) 'District Committee' means the district council constituted under section 3 of the Kerala District Administration Act, 1979";

2. Sections 3, 4, 5 and 6 shall be omitted.

3. In section 7,-

(1) clause (1) shall be omitted; (2) in clause (2), the words "on the direction of the board" shall be omitted; (3) in clause (4) the word "and" shall be omitted; (4) clause (5) shall be omitted.

4. In section 7A, the words "Board or the" shall be omitted;

5. For section 9, the following section shall be substituted, namely:-

"9 Preparation of schemes.-(1) The District Committee, if it is satisfied that it is necessary to do so, may prepare a draft scheme for any specific area in the district. (2) The draft scheme prepared under sub-section (1) shall contain the following particulars:-(a) the objects of the scheme; (b) the boundaries and approximate area of the lands to be included in the scheme; (c) the persons including the Government and the District Committee, who will be affected by the scheme; (d) the work to be

carried out under the scheme;(e)the agency or agencies through which the work shall be carried out; and(f)such other particulars as may be prescribed.(3)On preparation of the draft scheme, the District Committee shall appoint an officer called the Enquiring Officer, for the purposes here in after specified".

6. For section 12, the following section shall be substituted, namely:-

'12. Sanctioning of scheme - (1) After considering the objections and the report and the recommendations of the Enquiring Officer and any further report which the District Committee may require from him the District Committee may sanction the draft scheme with or without modifications.(2)The scheme as sanctioned under sub-section (1) shall be published by notification in the Gazette and such notification shall state at what place and time the scheme shall be open to inspection of the public.(3)The scheme shall come into force on and from the date of publication of the notification in the Gazette under sub-section (2) "

7. In section 14,-

(1)in sub-section (1) for the word "Government", the words "District Committee" shall be substituted;(2)in sub-section (5) the words "the Board" shall be omitted.

8. In section 15, for the word "Government" wherever it occurs, the words "District Committee" shall be substituted. ,

9. In section 16, for the word "Government", wherever it occurs, the words, "District Committee" shall be substituted.

10. In section 19, for clauses (d) and (e), the following clauses shall be substituted, namely:-

"(d) the President or Secretary of the District Committee or any officer or person authorised by them."

11. In section 22, for the word "Government", the words "District Committee" shall be substituted.

12. In section 23, for the word "Government", the words "District Committee" shall be substituted.'

13. For section 27, the following section shall be substituted:-

"27. Amount to be recoverable as arrears of land revenue. - All amounts payable to or recoverable by the District Committee or any officer of the District Committee under this Act, shall be recoverable

in the same manner as arrears of land revenue."

14. In section 29, for the words "The Chairman and Members of the Board and District Committees", the words "The President and Members of the District Committees" shall be substituted.

15. In sub-section(1) of section 30, the words "Government or Board or a" shall be omitted.

16. In section 31, -

(1)in "the marginal heading, the word "the Board or" shall be omitted.(2)the words "Board or a" occurring after the words "proceedings of the" shall be omitted.

17. Section 32 shall be omitted.

Thirty-First Schedule(See section 102)Amendment To The Kerala Local Authorities Entertainments Tax Act, 1961 (20 of 1961)In the Explanation to sub-section (3) of section 12, for clause (ii), the following clause shall be substituted namely:-"(ii) In their application to bye-laws made by a panchayat, means such authorities or officers as may be authorised by the Government in this behalf.".Thirty-Second Schedule(See section 102)Amendment To The Kerala Cinemas (Regulation) Act, 1958 (32 of 1958).In section 2, after clause (1), the following clause shall be inserted, namely:-"(1A) "District Collector" means the Secretary of the district council as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979;".Thirty-Third Schedule(See section 102)Amendment To The Kerala Land Tax Act, 1961 (13 of 1961)To section 9, the following Explanation shall be added namely:-"Explanation. - For the purpose of this section, 'Collector' means, the Secretary of the district council as defined in clause (p) of section 2 of the Kerala District Administration Act, 1979".