

Government of Kerala
 സർക്കാർ
 2000



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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അനൗദ്യോഗിക

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 3160/Leg.C1/2000/Law.

Dated, Thiruvananthapuram, 26th August, 2000

4th Bhadra, 1922.

S. R. O. No. 831/2000.—In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Gazette of the following translation in the English language of the Kerala Panchayat Raj (Amendment) Act, 2000 (Act 13 of 2000).

By order of the Governor,

D. SARATCHANDRAN,
 Special Secretary (Law).

33/3987/2000/MC.

[Translation in English of “2000-തീലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ആക്ട്” published under the authority of the Governor.]

ACT 13 OF 2000

THE KERALA PANCHAYAT RAJ (AMENDMENT) ACT, 2000

An Act further to amend the Kerala Panchayat Raj Act, 1994.

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

BE it enacted in the Fifty-first year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj (Amendment) Act, 2000.

(2) Section 7 of the Act shall come into force at once and section 2 shall be deemed to have come into force on the 1st day of October, 1999 and the remaining sections shall be deemed to have come into force on the 18th day of January, 2000.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act) the following proviso shall be added, namely:—

“Provided that sections 235A to 235Z shall come into force on the 1st day of January, 2001.”

3. *Amendment of section 10.*—In sub-section (4) of section 10 of the principal Act, for the words “Government or the officer authorised by them” occurring at both the places the words “the State Election Commission or the officer authorised by it” shall be substituted.

4. *Insertion of new section after section 10.*—After section 10 of the principal Act, the following section shall be inserted, namely:—

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

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

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

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

5. *Amendment of section 149.*—In section 149 of the principal Act, after sub-section (4) the following sub-section shall be inserted, namely:—

"(4a) A casual vacancy of a member of the Panchayat at any level shall be reported directly by the Secretary concerned, to the State Election Commission within seven days of the occurrence of such vacancy and the Secretary who defaults in reporting the vacancy to the Commission within the said period without reasonable cause, shall be punishable with fine which may extend to one thousand rupees and for this purpose the State Election Commission shall have the power to initiate prosecution proceedings."

6. *Amendment of section 157.*—(1) In section 157 of the principal Act,—

(1) in sub-section (2) for the word "Government" the words "State Election Commission" shall be substituted;

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

"(5) A meeting convened under this section shall be presided over by an officer authorised by the State Election Commission under sub-section (2);"

(3) Sub-section (5a) shall be omitted;

(4) in sub-section (10) for the words "shall be entitled to vote thereon except the right of a casting vote or second vote", the words, "shall not be entitled to vote thereon", shall be substituted.

7. *Amendment of section 220.*—In clause (b) of section 220 of the principal Act, for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that, the said limit of three metres shall not be applicable for the construction of 1st floor or 2nd floor or both upon a building, existing on the date of coming into force of this Act;

Provided further that, any path, bridge or similar constructions used solely for entering into any building or weather shade or sun-shade forming part of the building may, subject to the rules regarding construction of building, be constructed within the said three metres limit:

Provided also that, when an existing portion of a building is to be demolished for the implementation of a Town Planning Scheme it shall not be in such a manner that it would adversely affect the remaining building or the additions to be made, and the full responsibility of the safety and stability thereof shall vest with the owner of the building, and when he has to undertake such a demolition it shall be done at his own expense and responsibility, and he shall not be eligible for any damages for the said construction and for this purpose a consent certificate shall be produced along with the application."

8. *Amendment of section 235 AB.*—In section 235 AB of the principal Act in sub-section (1) for the words and figures "on or before 31st December, 1998" the words and figures "on or before 15th October, 1999" shall be substituted.

9. *Repeal and Saving.*—(1) The Kerala Panchayat Raj (Amendment) Ordinance, 2000 (3 of 2000) is hereby repealed.

(2) Notwithstanding such repeal anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.