



## The Kerala District Administration (Amendment) Act, 1990

Act 18 of 1990

**Keyword(s):**

Premises, Vehicle, Vessel

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THE KERALA DISTRICT ADMINISTRATION

(AMENDMENT) ACT, 1990 [\[1\]](#)

(Act 18 of 1990)

*An Act further to amend the Kerala District Administration Act, 1979.*

*Preamble.*- WHEREAS it is expedient further to amend the Kerala District Administration Act, 1979 (7 of 1980), for the purposes hereinafter appearing;

BE it enacted in the Forty-first Year of the Republic of India as follows:-

1. *Short title and commencement.*- (1) This Act may be called the Kerala District Administration (Amendment) Act, 1990.

(2) Section 2 shall be deemed to have come into force on the 12 th day of December, 1989, sections 3, 4, 5 and 6 shall be deemed to have come into force on the 3 rd day of May, 1990 and the remaining provisions shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be appointed for different areas and for different provisions of this Act.

2. *Amendment of section 2.*- In the Kerala District Administration Act, 1979 ( 7 of 1980) (hereinafter referred to as the principal Act), in section 2, -

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

“(c) ‘district’ means a revenue district, excluding the area within the limits of a cantonment declared under the Cantonments Act, 1924(Central Act 2 of 1924);”;

(ii) in clause (pp), for the word and figures “section 128”, the word, figures and letter “section 128A” shall be substituted.

3. *Amendment of section 10.*- In section 10 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:-

“(A) Notwithstanding anything contained in sub-section (1), where the electoral roll referred to in sub-section (1) is not the one prepared or revised in the year in which the notice of election to the district council is to be published or where the said electoral roll is the one revised without conducting an intensive revision subsequently, there shall be prepared by the authority prescribed under sub-section (2), an electoral roll for each district council under the superintendence, direction and control of the Director of Elections. Every person who is ordinarily resident within the district and is not less than eighteen years of age on the first day of January of the year in which the electoral roll is so prepared shall, if he is not disqualified for registration in an electoral roll under section

16 of the Representation of the People Act, 1950 (Central Act 43 of 1950), be eligible to be included in the electoral roll so prepared.

(1B) The provisions of the Registration of Electors Rules, 1960 issued by the Central Government under the Representation of the People Act, 1950 (Central Act 43 of 1950) for an intensive revision, except the provisions under Part IV of the said rules, shall, together with all the directions, instructions, forms and guidelines issued by the Election Commission of India in the matter apply *mutatis mutandis* for the purpose of sub-section (1A).”.

4. *Amendment of section 47.*- In section 47 of the principal Act, for the words, figures and brackets “ the Kerala Land Acquisition Act, 1961 (21 of 1962),” the words, figures and brackets “ the Land Acquisition Act, 1894 (Central Act 1 of 1894)” shall be substituted.

5. *Insertion of new Chapter VIA.*- After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:-

## “CHAPTER VI A

### ELECTORAL OFFENCES

74A. *Prohibition of public meeting on the day preceding the election day and on the election day.*- (1) No person shall convene, hold or attend any public meeting within the district in connection with an election to the district council of that district during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll.

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

74B. *Disturbances at election meetings.*- Any person who at a public meeting in connection with the district council election acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of business for which the meeting was held shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees.

74C. *Penalty for disorderly conduct in or near polling stations.*- (1) No person shall on the date or dates on which a poll is taken at any polling station-

(a) use or operate within or at the entrance of the polling station or any public or private place in the neighbourhood thereof, a tape recorder or a video cassette recorder or a video cassette player or any apparatus for amplifying or re-producing the human voice, such as a megaphone or a loud speaker; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof so as to cause any annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

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

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

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

*74D. Prohibition of canvassing in or near polling station.*- (1) No person shall, on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station, or in any public or private place within a distance of one hundred metres of the polling station, namely:-

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election ; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

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

*74E. Removal of ballot papers or ballot boxes from polling station to be an offence.*- (1) Any person, who at any election fraudulently takes or attempts to take a ballot paper or a ballot box out of a polling station or wilfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

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

arrest such person and may search such person or cause him to be searched by a police officer:

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

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

74F. *Other offences and penalties therefor.*- (1) A person shall be guilty of an electoral offence if at any election he-

(a) fraudulently defaces, or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, or destroys or removes any list, notice or other documents affixed by or under the authority of an Election Officer; or

(c) fraudulently defaces, or fraudulently destroys any ballot paper or the official mark on the ballot paper or any declaration or identity; or

(d) without due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

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

(a) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and

other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this Act.

74G. *Infringement of secrecy of elections.*- Every presiding or polling officer or other person in attendance at the polling room who, except for some purpose authorised by law, communicates to any person any information indicating directly or indirectly for which candidate any voter has voted and every person who by any improper means procures any such information, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

74H. *Officers etc., at an election not to act for candidates.*- (1) No person who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

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

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

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

74I. *Penalty for illegal hiring or procuring of conveyances at elections.*- Of any person is guilty of any corrupt practice of hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station, he shall be punishable with fine which may extend to one thousand rupees:

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

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

*Explanation.*- In this section, the expression 'vehicle or vessel' means any vehicle or vessel used or capable of being used for the purpose of road or water transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicle or vessels or otherwise.

74J. *List of Officers and staff of the Government Departments, Local Authorities or other authorities to be furnished.*- (1) Every head of office and department including educational institutions of the Government and every local authority or other authority shall, on requisition by the Director of elections, furnish to him a list of officers and staff of such office or authority within such time as may be specified in the requisition for performing any duty in connection with an election to a district council.

*Explanation.*- For the purpose of this section, 'local authority' means a Municipal Corporation or a Municipal Council or a Panchayat or a Township Committee and 'other authority' means any authority by whatever name called, constituted by the Government under any law or established by or under any State enactment for the time being in force.

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

74K. *Breaches of official duty in connection with elections.*- If any person appointed to perform any duty in connection with election to a district council refuses such appointment or without reasonable cause neglects or fails to perform such duties, he shall be punishable with fine which may extend to five hundred rupees.

74L. *Requisitioning of premises etc., for election purposes.*- (1) If it appears to the Director of elections that in connection with an election to a district council,-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election,

the Director of elections may, by order in writing, requisition such premises or such vehicle or vessel, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

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

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Director of elections to be the owner or person in possession of the property.

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

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

(5) In this section,-

(a) 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise;

(c) 'vessel' means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.

*74M. Promoting enmity between classes in connection with elections.*- Any person who in connection with an election to a district council promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

*74N. Restriction on the printing of pamphlets, posters, etc.*- No person shall print or publish or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and address of the printer and publisher thereof and any person who contravenes this provision shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.”.

*6. Insertion of new section 101A.*- After section 101 of the principal Act, the following section shall be inserted, namely:-

“*101A. Removal of difficulties.*- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions which appear to them to be necessary or expedient for the purposes of removing the difficulty:



Provided that no order shall be made under this section after the expiry or two years from the date of the first constitution of the district councils.

(2) Every order made under this section shall be laid before the Legislative Assembly, within fourteen days, after it is made if the Assembly is in session, or if the Assembly is not in session it shall be laid at its next session.”.

7. *Amendment of the table under section 102.*- In the table under section 102,-

(i) item (25) and the entries against it under columns (1) and (2) shall be omitted;

(ii) after item (30) and the entries against it under columns (1) and (2), the following items and entries, shall, respectively, be added, namely:-

“ (31)	The Kerala Marine Fishing (Regulation ) Act, 1980 (10 of 1981)	Thirty-fourth Schedule
(32)	The Kerala Khadi and Village Industries Board Act, 1957 (9 of 1957)	Thirty-fifth Schedule.
(33)	The Kerala Public Libraries (Kerala Granthasala Sanghom) Act, 1989 (15 of 1989)	Thirty-sixth Schedule.”.

8. *Amendment of First Schedule.*- In the FIRST SCHEDULE to the principal Act,-

(i) in the entries against item (3) under the heading “ II. IRRIGATION”, for the word “Reservation”, the word “Renovation” shall be substituted;

(ii) for item (2) and the entries against it under the heading “III. SOIL CONSERVATION”, the following item and entries shall be substituted, namely:-

“(2) land reclamation and land development works;

(3) watershed development and management works.”;

(iii) for items (1) to (17) and the entries against them under the heading “IV. AGRICULTURE”, the following items and entries shall be substituted, namely:-

“(1) Agriculture extension work in the district, subject to the technical control and guidance of the State Department of Agriculture, including promotion and popularization of-

(a) optimum utilization of lands and appropriate cropping patterns;

(b) improved varieties of seed, seedlings and planting materials;

(c) use of soil test data and adoption of optimum use of organic and inorganic fertilizers;

(d) plant protection measures including control of pests and diseases and eradication of weeds; and

(e) co-operative in the production (including supply of credit and inputs) and marketing of agricultural products.

(2) Agricultural development work in the district, subject to the technical control and guidance of the State Department of Agriculture including the following:-

(a) fixing of crop production targets in the district and implementing and promoting programmes to achieve the same;

(b) procurement, multiplication and distribution of improved seeds which are approved by the State Government;

(c) soil testing;

(d) stocking, storing and distribution of plant protection chemicals;

(e) organizing community and group action on plant protection works;

(f) organizing community operations in the production of crops; and

(g) supply and maintenance of agricultural equipments, pumpsets and improved implements.”;

(iv) for items (1) to (4) and the entries against them under the heading “XVII-COMMUNITY DEVELOPMENT”, the following items and entries shall be substituted, namely:-

(1) preparation and implementation of local area development programme;

(2) implementation of integrated rural development programme;

(3) implementation of the rural employment programme; and

(4) implementation of other programmes of District rural Development Agencies.”.

9. *Amendment of the Fourth Schedule.*- In the FOURTH SCHEDULE to the principal Act relating to amendments to the Kerala Panchayats Act, 1960 (32 of 1960),-

(a) in clause (8),-

(i) the proviso to section 17 shall be omitted;

(ii) in sub-section (2) of section 19, for clause (k), the following clause shall be substituted, namely:-

“(k) is a deaf-mute;”.

(iii) clause (j) of section 20 shall be omitted.

(b) in clause (36), in Schedule VII referred to in sub-section (3) of section 57, after sub-clause (d) of clause (iv), the following sub-clause shall be inserted, namely:-

“(e) registration of marriages at the instance of the parties concerned containing such particulars as may be prescribed and issuance of certificate thereof an application after realizing the prescribed fees for such certificate.”.

10. *Omission of the Twenty Eighth Schedule.*- THE TWENTY EIGHT SCHEDULE to the principal Act shall be omitted.

11. *Addition of new Schedules.*- In the principal Act, after the THIRTY THIRD SCHEDULE,-

(a) the following shall be added as THIRTY FOURTH SCHEDULE, namely:-

“ THIRTY FOURTH SCHEDULE

(See section 102)

AMENDMENT TO THE KERALA MARINE FISHING (REGULATION)

ACT, 1980

(10 of 1981)

In section 2, the following proviso shall be added to clause (c), namely:-

Provided that upon the constitution of a district council under section 3 of the Kerala District Administration Act, 1979, 'Authorised Officer' for the purposes of sections 9, 10 and 11 shall mean such officer as authorized by the district council by notification in the Gazette.”;

(b) the following shall be added as THIRTY FIFTH SCHEDULE, namely:-

“ THIRTY FIFTH SCHEDULE

(See section 102)

AMENDMENT TO THE KERALA KHADI AND VILLAGE

INDUSTRIES BOARD ACT 1957

(9 of 1957)

After section 16, the following section shall be inserted, namely:-

16A. *Powers of district councils and other local Governments.*- (1) The district councils constituted under section 3 of the Kerala district Administration Act, 1979 and other local Government shall be competent to prepare and implement schemes for development of khadi and village industries in their respective jurisdictions and may also propose such schemes to the Board for its approval and assistance.

(2) The Board shall use the agency of the local Governments in the district, as far as possible, for the implementation of its schemes and programmes.”.

(c) the following shall be added as THIRTY SIXTH SCHEDULE, namely:-

“THIRTY SIXTH SCHEDULE

(See section 102)

AMENDMENT TO THE KERALA PUBLIC LIBRARIES

(KERALA GRANTHASALA SANGHOM) ACT, 1989

(15 of 1989)

(1) To sub-section (1) of section 10, the following proviso shall be added, namely:-

‘Provided that where there is a district council constituted under section 3 of the Kerala District Administration Act, 1979, the power vested in Government under this sub-section shall, subject to such conditions and restrictions as may be prescribed, be exercised by that district council.’.

(2) In sub-section (1) of section 12, for the words ‘from the date on which the Government notifies the’, the words ‘from the date of notification of the’ shall be substituted.

(3) To sub-section (1) of section 18, the following proviso shall be added, namely:-

‘Provided that where there is a district council constituted under section 3 of the Kerala district Administration Act, 1979, the power vested in Government under this sub-section shall, subject to such conditions and restrictions as may be prescribed, be exercised by that district council.’.

(4) In sub-section (1) of section 20, for the words ‘from the date on which the Government notifies the’, the words ‘from the date of notification of the’ shall be substituted.”.

12. *Repeal and saving.*- (1) The Kerala District Administration (Amendment) Ordinance, 1990 (1 of 1990), is hereby repealed.

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

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THE KERALA DISTRICT ADMINISTRATION (AMENDMENT ACT, 1991 [\[1\]](#))

(Act 21 of 1991)

*An Act further to amend the Kerala District Administration Act, 1979*

*Preamble.*-WHEREAS it is expedient further to amend the Kerala District Administration Act, 1979, for the purposes hereinafter appearing;

BE it enacted in the Forty-second Year of the Republic of India as follows:-

1.*Short title and commencement.*—(1) This Act may be called the Kerala District Administration (Amendment) Act, 1991.

(2)Section 2 [except clauses (ii), (iii) and (v)], section 6, section 8 [except sub-clauses (i) and (iv) of clause (a) ], clause (iv) of section 9, section 10 [except clauses (i) and (iii)], section 11 (in so far as it relates to new section 21H), clause (v) of section 14, section 25, section 26, section 32 and section 33 shall be deemed to have come into force on the 1 st day of March, 1991, section 11 (except new section 21H as substituted by that section) shall be deemed to have come into force on the 29 th day of December, 1990, section 22, section 34 and section 35 shall be deemed to have come into force on the 1 st day of April, 1991, clause (i) of section 21 shall be deemed to have come into force on the 13 th day of April, 1991 and the remaining provisions of this Act shall come into force at once.

2.*Amendment of section 2.*—In the Kerala District Administration Act, 1979 (7 of 1980) (hereinafter referred to as the principal Act), in section 2,—

(i)clause (a) shall be relettered as clause (aa) thereof and in clause (aa) as so relettered, the words “district councils and” shall be omitted;

(ii)before clause (aa) as so relettered, the following clause shall be inserted, namely:-

“(a) “Collector” means the Collector of the district concerned;”;

(iii)clause (e), shall be omitted;

(iv)in clause (f), the words “and the taluk samithis”, shall be omitted;

(v)for clause (g), the following clause shall be substituted, namely:-

“(g) ‘member’ means a member of the district council including an *ex-officio* and a nominated member;”:

(vi)clause (pp), shall be omitted.

3.*Amendment of section 4.*-In the principal Act,-

(i)(a) section 4 shall be numbered as sub-section (1) thereof;

(b) in the proviso to sub-section (1) as so renumbered, for the words “number of members”, the words, “number of members referred to in this sub-section” shall be substituted;

(ii) after sub-section (1) as so renumbered the following sub-sections shall be inserted, namely:-

“(2) The Members of the House of the People (Lok Sabha) representing the State and the Members of the Legislative Assembly of the State, representing any area comprised in one district shall be *ex-officio* members of the district council of that district:

Provided that where the area which a Member of the House of People (Lok Sabha) or a Member of the Legislative Assembly of the State represents comprises partly in one district and partly in another district, he shall be an *ex-officio* member of the district councils of both the districts in which the area he represents is comprised:

Provided further that where a member of the House of the People (Lok Sabha) or a Member of the Legislative Assembly of the State is chosen as Speaker, as the case may be, of the House of the people (Lok Sabha) or of the Legislative Assembly of the State, he shall cease to be an *ex-officio* member.

(3) A Member of the Council of States (Rajya Sabha) representing the State shall be an *ex-officio* member of the district council of the district in which he ordinarily resides, or in case he is not an ordinarily resident of the State, of the district council of the district in which the capital of the State is situated.

(4) A member nominated to the Legislative Assembly of the State shall be an *ex-officio* member of the district council of the district in which he ordinarily resides.

(5) Where a Member of either House of Parliament or a Member of the Legislative Assembly of the State is appointed as Minister, whether of the Central or State, or where a Member of the Legislative Assembly is recognized as Leader of the Opposition in the Assembly by the Speaker he may nominate a person or persons from the area he represents as such Member to represent him in the district council or district councils of the district or districts of which he is a member of *ex-officio*

(6) Nothing contained in sub-section (2) or sub-section (3) or sub-section (4) shall be deemed to prevent any Member of either House of Parliament or 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.

(7) An *ex-officio* member referred to in sub-section (2) or sub-section (3) or sub-section (4) or a nominated member referred to in sub-section (5) or an elected member

referred to in sub-section (6) shall, subject to the provisions of this Act, have all the rights of a member provided in this Act.”.

*4. Amendment of section 5.*—In section 5 of the principal Act,—

(i) in sub-section (2), for the words and figure “fixed under section 4”, the words, figures and brackets “fixed under sub section (1) of section 4” shall be substituted;

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

“(3) The number of seats reserved for the Scheduled Tribes shall be as one seat in every district council where the population of the Scheduled Tribes in the district is ten thousand or more, 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 Tribes in the district bears to the total population of the district, whichever is higher.”.

*5. Amendment of section 6.*—In section 6 of the principal Act,—

(i) in sub section (1), for the words and figure “notified under section 4”; the words, figures and brackets “notified under sub-section (1) of section 4” shall be substituted;

(ii) in the first proviso to sub-section (1), the words “as the case may be” shall be inserted at the end.

*6. Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (1), in clause (b), the words “and for women”, shall be omitted;

(ii) in sub-section (2), in clause (c), the words “and for women”, shall be omitted;

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

“(2A) The Director of Elections shall after the publication of an order under clause (c) of sub-section (2) and after finalizing the electoral rolls of all divisions in a district council,—

(a) determine the division or divisions to be reserved for women under section 6 and publish his proposals regarding the reservation of those seats in the Gazette together with a notice specifying the date on or after which the said 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 specified; and

(c) make an order specifying therein the seats reserved for women under section 6.”.

*7. Amendment of section 9.*—In section 9 of the principal Act,—



(i) for the opening sentence, the following sentence shall be substituted, namely:-

“A person shall not be qualified to be elected or nominated as a member of the district council unless he,—“;

(ii) in clause (a), for the words “any division in the district and”, the words “any division in the district and in case of election,” shall be substituted.

8. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) in sub-section (2),—

(i) for the opening sentence, the following sentence shall be substituted, namely:-

“A person shall be disqualified for election or nomination as a member if at the date of election or nomination, he—“;

(ii) in clause (c), for the words “five years”, the words “six years” shall be substituted;

(iii) after clause (e), the following clause shall be inserted, namely:-

“(ee) is disqualified under section 12; or”;

(iv) after clause (h) the following shall be inserted, namely:-

“(hh) is in arrears of any amount due by him to the district council in respect of which a bill or a notice has been duly served upon him, and the time, if any, specified therein to clear the arrears has expired; or”;

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

“(5) No person shall be entitled to stand for election for more than one seat in the district council.”.

9. *Amendment of section 16.*—In section 16 of the principal Act,—

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

“(1) The term of office of members of the district council shall, save as otherwise expressly provided in this Act, be as follows, namely:-

(a) in the case of an elected member five years from the date of constitution or re-constitution of that district council;

(b) in the case of an *ex-officio* member for such period until he ceases to hold the office by virtue of which he has become an *ex-officio* member; and

(c) in the case of a nominated member for such period during which the person by whom he was nominated holds the office by virtue of which the nomination was made or on the expiry of the term of the district council in which he was nominated whichever is earlier:

Provided that the person by whom a member was nominated may, at any time by letter in writing, addressed to the district council, withdraw the member nominated by him and nominate another person in his place in that district council.”.

(ii) in sub-section (3), for the word “members”, the words “elected members” shall be substituted;

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

“(4) A casual vacancy in the office of an elected member shall be filled at a bye-election which shall be fixed by the Director of Elections in consultation with the Government”;

(iv) sub-section (7) shall be omitted.

10. *Amendment of section 19.*—In section 19 of the principal Act,--

(i) for the opening paragraph the following paragraph shall be substituted, namely:-

“Subject to the provisions of sections 21 to section 21H a member other than an *ex-officio* member shall cease to hold office as such if he,--“;

(ii) in clause (d), the words “relating to local Governments”, shall be omitted.

(iii) after clause (f), the following clause shall be inserted, namely:-

“(ff) is in arrears of any pecuniary nature due by him to the district council in respect of which a bill or a notice has been duly served upon him and the time, if any, specified therein to clear the arrears has expired; or”;

11. *Substitution of new sections for section 21.*—For section 21 of the principal Act, the following sections shall be substituted, namely:-

“21. *Election petitions.*—No election to fill a seat or seats in a district council shall be called in question except by an election petition presented in accordance with the provisions contained in sections 21A to 21G.

21A. *District Court to try election petitions.*—Every election petition shall be tried by the District Court having jurisdiction over the area in which the office of the district council concerned is situated

21B. *Presentation of petitions.*—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in section 21C by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

*Explanation.*—In this sub-section,-

(i) 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not;

(ii) 'returned candidate' means a candidate who has been declared as duly elected.

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

(3) At the time of presenting an election petition, the petitioner shall deposit in the Court a sum of one thousand rupees as security for the costs of the petition.

21C. *Grounds for declaring election to be void.*-(1) Subject to the provisions of sub-section (2), if the District Court is of opinion,--

(a) that on the date of his election, a returned candidate was not qualified, or was disqualified, to be chosen as a member under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that any nomination paper had been improperly rejected; or

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

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

(ii) by any corrupt practice committed in the interest of the returned candidate by an agent; or

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

(iv) by any non compliance with the provisions of this Act or any rules or orders made thereunder,

the District Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the District Court, any agent of a returned candidate has been guilty of any corrupt practice, but the District Court is satisfied,—

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

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

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent,

(d) then the District Court may decide that the election of the returned candidate is not void.

21D. *Application of certain provisions of the Representation of the People Act, 1951 (Central Act 43 of 1951) to election petitions under this Act.*—The provisions of sections 82, 83, 84, 87, 94, 96, 98, 99, 101, 102, 109, 110, 112, 116 and 123 of the Representation of the People Act, 1951. (Central Act 43 of 1951), shall apply *mutatis mutandis* in respect of election petitions under this Act.

21E. *Communication of orders of the District Court.*—The District Court shall, as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Director of Elections and the Government and, as soon as may be thereafter, shall send to them authenticated copies of the decision for appropriate action.

21.F. *Effect of orders of the District Court.*—(1) Every Order of the District Court shall take effect as soon as it is pronounced by it.

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

21.G. *Appeal.*—Any person aggrieved by the final order of the District Court on an election petition may, within thirty days from the date of such order, prefer an appeal to the High Court.

(2) Every appeal preferred under sub-section (1) shall be disposed of in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit.

21. H. *Determination of subsequent disqualification of a member.*—

(1)Whenever a question arises as to whether a member has become disqualified under section 12 or section 19 after having been elected as a member, such member or any other member or any other person entitled to vote at the election in which the member was elected, whether such person has voted at such election or not, may file a petition before the District Court having jurisdiction over the area in which the office of the district council is situated, for decision.

(2)The District Court, after making such enquiry as it considers necessary, shall decide whether or not such member has become disqualified and the decision shall be final, however that pending such decision, the member shall be entitled to act as if he were not disqualified.

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

12.. *Amendment of section 22.*—In section 22 of the principal Act.—

(i)in sub-section (1), for the words “make and subscribe before an officer not below the rank of a Deputy Secretary to the Government nominated by the Government in this behalf” the words “make and subscribe before the Collector” shall be substituted;

(ii)in sub-section (2), for the words “Every other member” the words “Every other member, other than an *ex-officio* member” shall be substituted.

(iii)in sub-section (3) for the words “No member who has not taken an oath” the words “No member other than an *ex-officio* member who has not taken an oath” shall be substituted.

13. *Omission of section 22A.*-Section 22A of the principal Act, shall be omitted.

14. *Amendment of section 24.*—In section 24 of the Principal Act,—

(i)in sub section (1) for the word “members”, the words “members, other than nominated members” shall be substituted;

(ii)to sub-section (1), the following provisos shall be added, namely:-

“Provided that *ex-officio* and nominated members shall not be eligible to be elected as, or to hold the office of, President or Vice President of a district council:

Provided further that where the President or Vice President of a Panchayat or the Chairman or Vice-Chairman of a Municipality or the Mayor or Deputy Mayor of a Municipal Corporation or a Member of Parliament or a Member of the Legislative Assembly is elected as President or Vice President of the district council he shall cease to hold such office of President or Vice President unless within fifteen days from the date of election as such he vacates the office of the President or the Vice President of a Panchayat or a Chairman or Vice Chairman of a Municipality or the Mayor or Deputy

Mayor of a Municipal Corporation or as Member of Parliament or as Member of the Legislative Assembly, as the case may be, by resignation or otherwise:

Provided also that where the President or the Vice-President of a District Council is elected as the President or the Vice-President of a Panchayat or the Chairman or the Vice-Chairman of a Municipality or the Mayor or the Deputy Mayor of a Municipal Corporation or a Member of Parliament or a Member of the Legislative Assembly of the State he shall cease to hold the Office of President or Vice President, as the case may be, of the District Council immediately on his entering upon office of Member of Parliament or of Member of the Legislative Assembly of the State, and in other cases on the expiry of fifteen days from the date of election unless within that time he vacates the office to which he is elected, by resignation.

(iii)after sub-section (1) the following sub-section shall be inserted, namely:-

“(1A) Nothing contained, in sub-section (1) shall prevent a Minister or the Leader of the Opposition, who has nominated a person or persons under sub-section (5) of section 4 to represent him in a district council or district councils, from voting or from taking part in the proceedings for election of the President and Vice President of that district council or district councils.”;

(iv)for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) The Collector shall be the Returning Officer for the election of the President and the Vice-President of a district council.”;

(v)after sub-section (6), the following sub-sections shall be inserted, namely:-

“(7) Where a dispute arises as to the validity of an election as President or Vice-President, any member, other than a nominated member, may file a petition before the District Court having jurisdiction over the area in which the office of the district council is situated, for decision and such decision shall be final.

(8) Every petition referred to in sub-section (7) shall be disposed of in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit.”.

*15. Amendment of section 25.*-In sub section (1) of section 25 of the principal Act, for the words “before an officer not below the rank of a Secretary to Government nominated by the Government in this behalf”, the words “before the Collector” shall be substituted.

*16. Amendment of section 30.*—In section 30 of the principal Act,--

(i) in sub-section (1),-

(a) in clause (a) the words “revenue, maintenance of revenue records, weights and measures”, shall be omitted;

(b) in clause (c), for the words “community development”, the words “rural development” shall be substituted;

(c) in clause (d), for the words “harijan welfare”, the words “development of the Scheduled Castes and Scheduled Tribes” shall be substituted;

(d) in clause (e) the words “public health engineering” shall be omitted;

(ii) in sub-section (2), for the words “elected by the members”, the words “elected by the members, other than nominated members” shall be substituted;

(iii) in sub-section (4), for the word “members”, the words “members, other than nominated members” shall be substituted;

(iv) to sub-section (4), the following provisos shall be added namely:-

“Provided that *ex-officio* and nominated members shall not be eligible to be elected as, or to hold the office of Chairman of a Standing Committee:

Provided further that where the President or Vice-President of a Panchayat or a Chairman or a Vice Chairman of a Municipality or the Mayor or Deputy Mayor of a Municipal Corporation or a Member of Parliament or a Member of the Legislative Assembly is elected as Chairman of a Standing Committee of the district council he shall cease to hold office of the Chairman of the Standing Committee unless within fifteen days from the date of election as such, he vacates the office of the President or Vice-President of a Panchayat or the Chairman or Vice Chairman of a Municipality or the Mayor or Deputy Mayor of a Municipal Corporation or as a Member of Parliament or as a Member of Legislative Assembly as the case may be, by resignation or otherwise:

Provided also that where a Chairman of the Standing Committee is elected as the President or the Vice President of a Panchayat or the Chairman or the Vice Chairman of a Municipality or the Mayor or the Deputy Mayor of a Municipal Corporation or a Member of Parliament or a Member of the Legislative Assembly of the State he shall cease to hold the office of Chairman of the Standing Committee immediately on his entering upon the office of Member of Parliament or of the Legislative Assembly of the State and in other cases on the expiry of fifteen days from the date of election unless within that time he vacates the office to which he is elected, by resignation.

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

“(4A) Nothing contained in sub-section (4) shall prevent a Minister, or the Leader of the Opposition who has nominated a person or persons under sub-section (5) of section 4 to represent him in a district council or district councils, from voting or from taking part

in the proceedings for election of the Chairman of a Standing Committee of that district council or district councils.”

*17. Amendment of section 31.*—In section 31 of the principal Act,—for sub-sections (2) and (3) the following sub-sections shall be substituted, namely:-

“(2) The President shall be entitled, without payment of rent, to the use of a furnished residence, at the headquarters of the district council throughout his term of office and for a period of fifteen days immediately thereafter and no charge shall fall upon him personally in respect of the maintenance of the residence; or in lieu of the use of such furnished residence and its maintenance to such house rent allowance as may be prescribed.

(3)The district council shall provide suitable conveyance, for the use of the President throughout his term of office and for a period of fifteen days immediately thereafter subject to such bye-laws as regards its maintenance and repairs as may be made by the district council.”

*18. Amendment of section 32.*—In section 32 of the principal Act, for the words “The Collector”, the words and brackets “The Deputy Collector (General)” shall be substituted.

*19. Amendment of section 36.*—In section 36 of the principal Act, for sub-sections (1) to (5), the following sub-sections shall be substituted, namely:-

“(1) Subject to such terms and conditions as may be prescribed, the Government may lend the services of such of their officers and servants to a district council as may be necessary for the functioning of that district council.

(2)The officers and servants referred to in sub-section (1) 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, their transfer and postings shall be made by the Government, their salary, allowances and other benefits shall be met from the Consolidated Fund of the State and notwithstanding anything contained in the Kerala Civil Services (Classification, Control and appeal) Rules, 1960, the Government shall have the powers of Appointing Authority for the purpose of placing them under suspension and of the Disciplinary Authority for the purpose of taking disciplinary proceedings against them.

(3)For the removal of doubt, it is hereby, clarified that the authority competent to impose penalties under the Rules referred to in sub-section (2) on an officer or servant in Government Service shall be competent to impose such penalties on him in respect of his work and conduct while in the service of a district council irrespective of the fact of lending his service to the district council:

Provided that such authority shall inform the district council of the action taken by him against an employee under the service of that district council.;



20. *Amendment of section 42.*—In section 42 of the principal Act,—

(i) in sub section (2), for the words “such number of members” the words “such number of members, other than nominated members,” shall be substituted;

(iA) After sub-section (5) the following sub-section shall be inserted, namely:-

“(5A) Notwithstanding anything contained in sub-section (5), if the majority of the members present at any meeting held under this section are of opinion that a person elected from among them shall preside over such meeting instead of the order of preference mentioned in the said sub-section, they shall elect a member from among themselves to preside over the meeting:

Provided that such election shall be conducted in the same meeting before considering the motion:

Provided further that no notice shall be necessary for the conduct of such election.”.

(ii) in sub-section (12), for the word “members” the words “members, other than nominated members,” shall be substituted;

(iii) after sub-section (12), the following sub-section shall be inserted, namely:-

“(12A) Nothing contained in sub-section (12) shall prevent a Minister, or the Leader of the Opposition, who has nominated a person or persons under sub-section (5) of section 4 to represent him in a district council or district councils from voting or from participating the meeting to consider a motion of no confidence in the President or Vice President or the Chairman of a Standing Committee, as the case may be, of that district council or district councils.”.

21. *Amendment of section 44.*-In section 44 of the principal Act,-

(i)after sub-section (1), the following sub-section shall be inserted, namely,—

“(1A) The Government may, if they consider it necessary so to do, by notification in the Gazette, amend or modify any entry in or add any entry to the First Schedule.”;

(ii)in sub-section (3) for the words “The Government shall as soon as may be, after the commencement of this Act. transfer to the district councils all institutions”, the words “The Government may transfer to the district councils all or any of the institutions” shall substituted.

22. *Omission of section 45.*-Section 45 of the principal Act shall be omitted.

*Substitution of new section for section 48.*-For section 48 of the principal Act, the following section shall be substituted, namely:-

“48. *Supervisory powers of the President.*—The President shall have supervisory control over the officers of the Government appointed under section 32 and the officers and servants whose services have been lent to the district council under section 36.”

24. *Amendment of section 51.*—In sub-section (1) of section 51 of the principal Act for the words “Government shall, within six months from the date of the first constitution of the district councils and thereafter at the expiration of every five years or at such other times as the Government may consider necessary the words “The Government may at such times as they may consider necessary in this behalf” shall be substituted.

25. *Amendment of section 54.*—(a) Section 54 of the principal Act shall be numbered as sub-section (1) thereof and to sub-section (1) as so renumbered, the following proviso shall be added, namely:--

“Provided that the fees from the beneficiaries of the institutions transferred under sub-section (3) of section 44 shall be collected by the district council and remitted to the Government account concerned for a period of two years or for such further period as may be extended by Government.”.

(b) after sub-section (1), as so renumbered the following sub-section shall be inserted, namely:-

(2)The district council may collect such fees as may be prescribed for issuing copies of any minutes, documents or other records to the public.”.

26. *Amendment of section 55.*—In section 55 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) The amounts at the credit of the District Council Fund referred to in sub-section (1) and of other funds referred to in sub-section (2) shall be kept in the account “8448- Deposits of Local Funds” in the District Treasury concerned or in such other account as may be notified by the Government in this behalf.”.

27. *Amendment of section 57.*—In section 57 of the principal Act,--

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

“(1) The Secretary shall in each year prepare and place before the Finance Standing Committee a budget showing the probable receipts and expenditure during the following year with in such period, as may be fixed, and in such form and manner as may be determined, by the Government, from time to time, in this behalf.”;

(ii) in sub-section (2), for the words “in the first week of March”, the words “within such period as may be fixed by the Government, from time to time, in this behalf” shall be substituted:

(iii)in sub-section (4),--

(a)for the words “before the beginning of the financial year to which it relates”, the words “before such period as the Government may fix, from time to time, in this behalf” shall be substituted;

(b)the words “and to the Examiner of Local Fund Accounts”, shall be omitted;

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

“(4A) The period for the purposes of sub-section (1) sub-section (2) and sub-section (4) shall be so fixed by the Government to enable them to consider the budget estimates of the district councils while preparing the budget proposals of the State.”;

(v)in sub-section (5), the words “and to the Examiner of Local Fund Accounts”, shall be omitted.

*28. Substitution of new sections for section 60.*—(1) For section 60 of the principal Act, the following sections shall be substituted, namely:-

“60. *Accounts of the district council.*—(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 for 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, work 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.

60A. *Audit of accounts.*—(1) The accounts of the district council shall, from time to time, and at least once in every year, be audited by the Accountant General, Kerala (hereinafter referred to as the “auditor”) in such manner as he may prescribe.

(2).The auditor shall, for the purpose of audit, have access to all the accounts and other records of the district council.

60B. *Powers of auditor.*—(1) The auditor may,--

(a)require in writing the production before him of such vouchers statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable or having the custody or control of any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the district council to meet him at the office of the district council;

(c) require such person to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and furnish any statement;

(d) in the event of an explanation being required from any office bearers of the district council or other officer or member of the district council in writing invite such person to meet him and shall in writing specify, the point on which his explanation is required.

(2) Any person who willfully neglects or refuses to comply with any requisition lawfully made under sub-section (1) shall, on conviction, be punished with fine which may extend to one thousand rupees:

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Government.

60C. *Duties of auditor.*—(1) The auditor shall, as soon as after completion of the audit for a year or for any shorter period or for any transaction or series of transactions, send a report to the district council and duplicate copies thereof to the Government

(2) The auditor shall specify in the report under sub-section (1) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the district council or any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the district council.

(3) The district council shall forthwith remedy any defect or irregularity pointed out by the auditor and report the action taken to the auditor and the Government.

60D. *Power of surcharge etc.*—(1) Where; during the course of an audit the auditor has reason to believe that any expenditure incurred is contrary to law or deficiency of any amount or loss or unprofitable outlay occasioned is due to the negligence or misconduct of any person or any sum which ought to have been brought into account has not been brought into account by any person, the auditor may prepare a report specifying the amount under each item and the person responsible therefore and send, the same to an officer authorized by the Government in this behalf (hereinafter in this section referred to as the “authorized officer”), with his recommendation to disallow the expenditure incurred contrary to law and to surcharge or charge, as the case may be, of that person together with a certificate of the amount due from such person:

Provided that no recommendation under this sub-section shall be made after the expiry of 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 content that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(2)The authorized officer shall, after giving a reasonable opportunity to the person concerned to explain his case, disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring, or authorizing the incurring of, such expenditure and may charge against any person responsible therefore the amount of any deficiency, loss or unprofitable outlay occasioned by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account of that person.

(3)The authorized officer shall state in writing, the reasons for his 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).

(4)Any person aggrieved by any disallowance, surcharge or charge may within fourteen days after the date of service on him of the decision of the auditor, 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 lie of such application, may appeal to the Government who shall pass such orders as they think fit.

(5)Where an application is made to the court under clause (a) of sub-section (4) the authorized officer shall be the sole respondent thereto and the applicant shall not make the auditor or any other person a party to the proceedings.

(6)Where an appeal under clause (b) of sub-section (4) is made to the Government by any of their officers or servants whose services have been lent to 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.

(7)From the decision of the District Court under clause (a) of sub-section (4), an appeal shall lie to the High Court.

(8)Every sum certified by the auditor to be due from a person under this Act shall be paid by such person to the Secretary within thirty days after the date of service on him of the decision of the authorized officer 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.”.

60E. *Laying of audit report.*-The district council shall, within such time as may be specified by the Government in this behalf, furnish to the Government a copy of the audited statement of accounts together with a report and the Government shall, as soon as may be after it is received, cause the same to be laid before the Legislative Assembly.”

29.*Substitution of new section for section 63.*-For section 63 of the principal Act, the following section shall be substituted, namely:-

“63.Power of Government to issue direction regarding certain matters.-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 or on matters relating to the performance of functions, exercise of powers and discharge of duties by a district council or on such other matters as the Government may consider it necessary so to do in furtherance of the object of the Act and the district councils shall be bound to comply with such directions.”

30*Omission of section 64.*-Section 64 of the principal Act shall be omitted.

31.*Amendment of section 65.*-In section 65 of the principal Act,-

(i). for the words “any area comprising more than one district”, the words “any area comprising one or more districts” shall be substituted;

(ii). for the words “any economic or welfare activity”, the words “any economic, welfare or any other activity” shall be substituted.

32.*Amendment of section 67.*—In section 67 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

“(2A). The Government shall, as soon as may be after the receipt of the administration report, cause the same to be laid before the Legislative Assembly.”.

33.*Amendment of section 75.*—In section 75 of the principal Act, in sub-section (1), for the words “make rules”, the words “make rules, either prospectively or retrospectively”, shall be substituted.

34.*Amendment of section 102.*—In the Table under section 102 of the principal Act, serial numbers (1), (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), (14), (15), (16), (17), (18), (19), (20), (28),(29), (30) and (31) and the entries relating thereto in columns (1) and (2) shall be omitted.

35. *Amendment of Schedules.*—(1) In the FIRST SCHEDULE to the principal Act, under the heading “MATTERS AND SUBJECTS VESTED IN THE DISTRICT COUNCILS”—

(i). sub-heading “I Administration of Land Revenue” and the entries thereunder shall be omitted;

(ii). for the sub-heading “XVI. HARIJAN WELFARE”, the sub heading “XVI. Scheduled Castes and Scheduled Tribes Welfare and Development” shall be substituted;

(iii). for the sub-heading “XVII. COMMUNITY DEVELOPMENT” the sub-heading “XVII. RURAL DEVELOPMENT” shall be substituted;

(2) the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second, Twenty-Third, Thirty-First, Thirty-Second, Thirty-Third and Thirty-Fourth Schedules to the principal Act shall be omitted.

(3). On the omission of the Schedules by sub-section (2), the amendments made by those Schedules to the enactments mentioned therein shall cease to have effect and the said enactments as they stood prior to the 1 st day of April, 1991 shall with effect from that date be deemed to have been in force as if the amendments by the said Schedules had never been made.

36. *Special provision to validate certain Act etc.*—Anything done or any action taken or any rules made or any notification or order issued by any officer or authority competent to do or take such action or to make such rules or to issue such notification or order under the Kerala Panchayat Act, 1960 (32 of 1960), as amended by the Fourth Schedule to the Kerala District Administration Act, 1979 (7 of 1980), during the period between the 1 st day of April, 1991 and the date of publication of this Act in the Gazette shall notwithstanding anything contrary contained in this Act, be deemed to have been done, taken, made or issued, as the case may be, by such officer or authority as if this Act has not been enacted and no such action taken, rules made, notification or order issued shall be invalidated merely by reason that the officer or authority had no power thereof or that it is not in compliance with the provisions of the Kerala Panchayats Act, 1960.

37. *Repeal and saving.*—(1) The Local Government Laws (Amendment) Ordinance, 1991 (7 of 1991), except section 4, 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 principal Act, as amended by section 3 of the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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