

**Fifteenth Kerala Legislative Assembly**

**Bill No. 275**

---

---

**THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2025**

---

---

©

Kerala Legislature Secretariat

2025

KERALA NIYAMASABHA PRINTING PRESS.

**Fifteenth Kerala Legislative Assembly**

**Bill No. 275**

**THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2025**

**Fifteenth Kerala Legislative Assembly**

**Bill No. 275**

[Translation in English of “2025-ലെ കേരള മുനിസിപ്പാലിറ്റി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2025**

*A*

*Bill*

*further to amend the Kerala Municipality Act, 1994.*

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

BE it enacted in the Seventy-sixth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called Kerala Municipality (Amendment) Act, 2025.

(2) It shall come into force at once.

2. *Amendment of section 6.*—In the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), in the proviso to sub-section (5) of section 6, after the words “higher population” the words and symbols “ and if the population of scheduled castes and scheduled tribes is equal, for the first time, reservation for which category, shall be determined by lot and in subsequent occasions, shall be determined for scheduled caste or scheduled tribe, as the case may be, by avoiding repetition” shall be added.

3. *Amendment of section 15.*—In section 15 of the principal Act,—

(i) in sub-section (3), after clause (e), the following clause shall be inserted, namely:—

“(ea) implementation of the master plan of municipal corporation, ensure municipal infrastructure development, to ensure that projects for waste management etc. are planned and implemented;”;

(ii) in clause (b) to the proviso of sub-section (4) for the words “at the next meeting ” the words “ by the Chairperson at the next ordinary meeting ” shall be substituted.

4. *Amendment of section 50.*—In section 50 of the principal Act,—

(i) in sub-section (4), for the figure and symbol “ 25,000” the figure and symbols “2,00,000” shall be substituted ;

(ii) in sub-section (7), for the words “performance audit” the words “Internal Vigilance and Monitoring ” shall be substituted.

5. *Amendment of section 56.*—In section 56 of the principal Act,—

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

“(5) The Government may, in the prescribed manner, arrange Internal Vigilance and Monitoring System for examining documents and other matters with respect to Municipal Administration or the works and schemes done or being done by the Municipality, evaluate as to whether the developmental and welfare responsibilities vested with a municipality and the financial and controlling powers entrusted to it are being exercised and implemented effectively and fruitfully in accordance with laws, rules and guidelines and to give timely directions to rectify lapses, if any.”;

(ii) after sub-section (5) so substituted, the following sub-section shall be added, namely:—

“(6) The Government may, in the prescribed manner, make arrangements to conduct social audit in respect of the development and welfare activities undertaken and implemented by the municipality. ”.

6. *Amendment of section 217.*—In sub-section (1) of section 217 of the principal Act,—

(i) in clause (b),—

(a) in item (i), for the words “fifty thousand” the words “three lakh” shall be substituted ;

(b) in item (ii), for the words “fifty thousand” the words “ three lakh” shall be substituted;

(ii) in clause (c),—

(a) in item (i), for the words “ one lakh” the words “five lakh” shall be substituted;

(b) in item (ii), for the words “ one lakh” the words “ five lakh” shall be substituted.

7. *Amendment of section 233.*—In sub-section (3) of section 233 of the principal Act, the bracket and words “ (in whole number)” shall be omitted.

8. *Insertion of new section for section 369.*—For section 369 of the principal Act, the following section shall be substituted, namely:—

“369. *Prohibition of structures and fixtures causing obstruction in public streets.*—(1) No person shall erect any wall, fence, rail, post, step or structures or set up fixtures by encroaching into any part of public street, well, pond, channel or drain or to occupy any part of such public street, well, pond, channel or drain.

(2) Any person for setting or tying any arch, board, hoardings, banners, digital banners, flags, flag posts, festoons in a public place or public street or over them; or in an open channel, well, pond or any street or over them ; shall obtain permission in writing from the Secretary by remitting the fee in the prescribed manner.

Provided that the Secretary shall give such permission subject to the provisions specified in the Kerala Highway Protection Act, 1999 ( 6 of 2000) and the Kerala Road Safety Authority Act (8 of 2007).”.

9. *Amendment of section 447.*—In section 447 of the principal Act,—

(i) in clause (b) of sub-section (1),—

(a) in item (i), the words “ at such rate as may be prescribed by the Government for each purpose or at such rate as the Municipality may fix subject to the said rate by a notification published in such manner” shall be omitted;

(b) third proviso shall be omitted;

(ii) in sub-section (2), the words “ within thirty days of the publication of the notification” shall be omitted.

10. *Amendment of section 448.*—In sub-section (4) of section 448 of the principal Act, the words “or refusing” shall be omitted.

11. *Amendment of section 449.*—In section 449 of the principal Act,—

(i) in sub-section (2), for the words “ may obtain” the words “shall obtain” shall be substituted;

(ii) in sub-section (3), for the words “such direction” the words , symbols, brackets and figures “a direction issued under sub-section (1) after following the procedure under sub-section (2)” shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS

Proviso to sub-section (5) of section 6 of the Kerala Municipality Act, 1994 (20 of 1994) provides that one seat shall be reserved in that Municipality for the Scheduled Castes and Scheduled Tribes having higher population. If the population of scheduled castes and scheduled tribes is equal, for the purpose of reservation of seats, it was decided to amend the said section and regarding the powers of the Chairperson, revising the financial responsibilities vested with the Secretary, arranging for Internal Vigilance and Monitoring System and Social audit, revising the limit of amount for the approval of estimate, property tax, provisions to prevent the erection of hoardings , banners, flag posts and festoons, granting power to prescribe the licence fees and as part of making industrial friendly, the Government have also decided to amend sections 15, 50, 56, 217, 233, 369, 447, 448, 449 of the Kerala Municipality Act, suitably.

The Bill is intended to achieve the above object.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

In section 56, proposed to be inserted in the principal Act by clause 5 of the Bill, seeks to empower the Government,—

(i) sub-section (5), to prescribe the manner for arranging the Internal Vigilance and Monitoring System to evaluate the works done or being done by municipality and if there are lapses, to give directions to rectify the same.

(ii) sub-section (6), to prescribe the manner of conducting the social audit in respect of the Development and Welfare Activities implemented by the Municipality.

2. Sub-section (2) of section 369 proposed to be inserted in the principal Act by clause 8 of the bill seeks to empower the Government to prescribe the manner of remitting fee in relation to the prohibition of structures and fixtures causing obstruction in public streets.

The matters in respect of which rules may be made are matters of procedure and are of routine or administrative in nature. Further, the rules, are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, thus, of a normal character.

**M.B. RAJESH.**

## EXTRACT FROM THE KERALA MUNICIPALITY ACT, 1994

(20 OF 1994)

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

(5) Specified seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality. The number of seats to be reserved in a Municipality shall be determined by the Government. The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats may be allotted by rotation to different wards in a Municipality as the State Election Commiion or an officer authorised by it may, determine for each general election.

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*



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

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

Provided that,—

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

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

\*\*

\*\*

\*\*

217. *Power of the different authorities to sanction estimates.*—(1) Subject to the availability of resources and the provision in the budget estimate, the Authority competent to accord administrative sanction to the estimates of any works or schemes and the limit up to which such sanction may be accorded shall be as shown below, namely:—

\*\*

\*\*

\*\*

(b) Municipal Council

(i) Standing Committee

Upto fifty thousand rupees

(ii) Council

Exceeding fifty thousand rupees

(c) Municipal Corporation

(i) Standing Committee

Upto one lakh rupees

(ii) Council

Exceeding one lakh rupees

\*\*

\*\*

\*\*

233. *Property tax.*—(1) Every council of the Municipality shall, in accordance with the provisions of this Act and the rules as may be prescribed, levy property tax on every building (including the land appurtenant thereto) situated within the area of the respective Municipality and not exempted as per the provisions of the Act.

\*\*

\*\*

\*\*

(3) The Council of the respective Municipality shall, subject to the limit fixed by the Government in accordance with the category of the buildings referred to in sub-section (2), fix after complying with the procedure prescribed, the rates of basic property tax (in whole number) to be made applicable to each category of buildings situated in the area of the Municipality on a scale of one square metre plinth area. The rates of basic property tax of all the buildings of the same category or its sub-categories, as the case may be, shall be the same throughout the area of the Municipality.

\*\*

\*\*

\*\*

369. *Prohibition of structures or fixtures which cause obstruction in public streets.*—No person shall except with the written permission of a Municipality erect or set up within a municipal area any wall, fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon over any open channel, well or tank in any street so as to form an obstruction or an encroachment upon or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

\*\*

\*\*

\*\*

447. *Purpose for which places may not be used without licence.*—(1) No place within a municipal area shall be used,—

\*\*

\*\*

\*\*

(b) and particularly for such matters as may be prescribed,—

(i) without payment of licence fee at such rate as may be prescribed by the Government for each purpose or at such rate as the Municipality may fix subject to the said rate by a notification published in such manner as may be prescribed; and

(ii) except in accordance with the terms of the licence granted in such manner as may be prescribed:

\*\*

\*\*

\*\*

Provided also that a notification of the Municipality under this section shall come into force on the date of completion of sixty days from the date of its publication.

\*\*

\*\*

\*\*

(2) The owner or occupier of every such place shall within thirty days of the publication of the notification apply to the Secretary or officer authorised by him for a licence for the use of such place for such purpose.

\*\*

\*\*

\*\*

448. *Licence for the construction of industry, factory or other work place and to use steam power or any other power therein or to install other machineries.*—(1) Any person who intends,—

(a) to use a place to construct an industrial plant, factory or other work place or to construct or establish an industrial plant or factory in that place or to use steam power, water power, other mechanical power or electrical power therein; or

\*\*

\*\*

\*\*

(4) The Council shall, before granting or refusing the permission under sub-section (3), obtain and consider,—

\*\*

\*\*

\*\*

449. *Abatement of nuisance from factory, workshop etc.*—(1) Where any factory, workshops, workplace or machinery causes nuisance, which in opinion of the Secretary, is by reason of a particular kind of fuel being used or by reason of the noise or vibration created, or discharge of poisonous gas or emission, of foul odour or smoke or dust, the Secretary may direct the person in charge of such factory or workshop or workplace or machinery for the abatement of such nuisance within a reasonable time.

(2) The Secretary may obtain expert opinion from the departments concerned, with regard to the determination of the nuisance or its abatement, at the cost of the owner or person in charge of the factory, workshop, workplace, machinery or manufacturing plant concerned, and such report shall be furnished, as soon as may be, but not later than fifteen days of reporting of such nuisance.

(3) If there is a wilful default in the implementation of such direction or in the existing circumstances the abatement of nuisance is found impracticable, the Secretary may prohibit the working of the factory or workshop or workplace or machinery until necessary steps are being taken satisfactorily by the person concerned for the abatement of nuisance.

\*\*

\*\*

\*\*  

---