കേരള പഞ്ചായത്ത് രാജ് നിയമവും ചട്ടങ്ങളും

അനുബന്ധ നിയമങ്ങൾ

സർക്കാർ ഉത്തരവുകൾ

സർക്കുലറുകൾ

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അപ്പലേറ്റ് അതോറിറ്റി : പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ

അതാതു സ്ഥാപനത്തിൽ ബന്ധപ്പെട്ടാൽ മുകളിൽ പറഞ്ഞിരിക്കുന്ന ഉദ്യോഗസ്ഥരുടെ പേരുവിവരം ലഭിക്കുന്നതാണ്.

വിവരാവകാശ നിയമപ്രകാരമുള്ള വിവരങ്ങളും രേഖകളും ലഭിക്കുന്നതിന് ഒടുക്കേണ്ട ഫീസുകളുടെ വിവരം

1. വകുപ്പ് 7(1) പ്രകാരം

(എ) വിവരങ്ങൾ എ4 വലിപ്പത്തിലുള്ള പേപ്പറിൽ ലഭിക്കുന്നതിന് ഓരോ പേജിനും : 2 രൂപ

(ബി) വലിപ്പം കൂടുതലുള്ള പേപ്പറിൽ വിവരങ്ങൾ ലഭിക്കുന്നതിന് : അതിനുള്ള യഥാർത്ഥ ചെലവ്

(സി) സാമ്പിളുകളും മോഡലുകളും ലഭിക്കുന്നതിന് : അതിനുള്ള യഥാർത്ഥ വില/ചെലവ്

(ഡി) രേഖകളുടെ പരിശോധനയ്ക്ക് : ആദ്യത്തെ ഒരുമണിക്കൂറിന് ഫീസില്ല. അതിനുശേഷമുള്ള ഓരോ 30 മിനിറ്റിനും അതിന്റെ അംശത്തിനും 10 രൂപ വീതം.

2. വകുപ്പ് 7(5)

(എ) സി.ഡി., ഫ്ളോപ്പി തുടങ്ങിയ ഇലക്ട്രോണിക് രൂപത്തിൽ വിവരങ്ങൾ ലഭിക്കുന്നതിന് (ഓരോന്നിനും) : 50 രൂപ

(ബി) പ്രിന്റഡ് രൂപത്തിൽ വിവരങ്ങൾ ലഭിക്കുന്നതിന് (ഓരോ പേജിനും) : 2 രൂപ

THE COCHIN FERRIES AND TOLLS [1][ACT], 1082

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THE COCHIN FERRIES AND TOLLS [1][ACT], 1082

(Act III of 1082)

(Amended by Act 1 of 1109, Act 1 of 1088, Act 7 of 1980, Act 16 of 2000 and proclamation V of 1112)

Passed by His Highness the [2][Maharaja] of Cochin on the 21st day of Edavam 1082 corresponding with the 3rd day of June, 1907.

Preamble.— Whereas it is expedient to provide for the better management of ferries and tolls in Cochin, it is hereby enacted as follows:—

1. Short title, commencement and local extent.— This Act may be called the "Cochin Ferries and Tolls Act, 1082". It extends to the whole of Cochin and shall come into force on the first day of Chingom 1083 M.E.

2. Definitions.— In this Act–

(1) 'Vessel' includes any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner;

(2) 'Channel' includes any waterway, whether natural or artificial;

(3) 'Ferry' means a place at which goods, animals or passengers are conveyed across a channel by means of vessels;

---

1 Substituted for the word "Regulation" throughout the enactment by Proclamation V of 1112.
2. Substituted for the word "Raja" by Act 1 of 1109.

(4) 'Conveyance' includes all carriages, carts, palanquins and manchals.

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

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

[4][**3. A municipality or a village panchayat] to establish ferries and toll-gates.**— [5][A municipality or a village panchayat may with the prior permission of the Government] establish ferries across any channel and toll-gates on any road at such points as may be selected, and shall maintain or cause to be maintained vessels for carrying passengers, goods or animals across such ferries, and forbid, within such limits as may be prescribed, the transport of passengers, goods or animals across such channel in any vessel except in such as are maintained as aforesaid, and the passage of conveyances or animals except through such toll-gates.

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

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

5.[6][A municipality, or a village panchayat] to fix rates for ferry charges tolls.— [6][The municipality or the village panchayat] may from time to time, by notification fix and vary the rates for ferry charges payable for conveying passengers, goods, conveyances or animals across such ferries, and for tolls payable on conveyances or animals passing through such toll-gates.

A notification of such ferry charges shall be at all times exhibited to public view on each side of the ferry and of such tolls at the toll-gate in the Malayalam and English languages:

[6][provided that the rates for tolls shall be revised only with the prior permission of Government.]

6. Penalty for non-Payment of ferry charges and tolls.— If any ferry Charge or toll due under the provisions of this Act is not paid on demand to the lessee or his agent, or as the case may be, to the person appointed by [6][a municipality or a village panchayat] as aforesaid, such lessee or his agent or such person may seize any goods, conveyances or animals chargeable with such ferry charge or toll and detain the same; and he shall, within 24 hours of such seizure and detention, report the same to the Tahsildar of the Taluk in which the seizure has been made, or other public officer duly authorised [6][a municipality or a village panchayat] in that behalf, unless such charge or toll has been paid in the meantime; and, on receipt of this report, the Tahsildar or other officer as aforesaid shall cause to be put up at his office a notice appointing a day for the sale of the said goods, conveyance or animal. The sale shall be held at some period not less than 15 days from the date of publication of notice of sale; and, if the ferry charge or toll and any expenses occasioned by its non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale, to the Tahsildar or other officer as aforesaid, such officer shall sell the goods, conveyance or animal seized, or so much thereof as may be approximately necessary to pay the ferry charge or toll, and also any expenses occasioned by non-payment . So much of the properties seized as may not have been sold and so much of the sale proceeds as may be in excess of the sum necessary for satisfying the ferry charge or toll and for defraying the expenses

3. Inserted by Act 16 of 2000.
4. Substituted by Act 16 of 2000.
5. Substituted by Act 16 of 2000.
6. Substituted by Act 16 of 2000.

occasioned by non-payment, shall be returned to the person in charge of the goods, conveyance or animal.

7. Security may be required from lessee of ferries.— Whenever any ferry shall have been leased out [6][a Municipality or a village panchayat] may require security to be deposited by the lessee for the maintenance of proper vessels, servants, and appliances. It shall be lawful for any officer authorised by the [6][a Municipality or a village panchayat] in that behalf to inspect such vessels, servants and appliances, and to satisfy himself as to their fitness or otherwise for the business of the ferry, and to report thereon to [6][a municipality or a village panchayat.]

[6A][**7 A. Power to take action for default by a Village Panchayat or a Municipality.**— (1) If, any time, it appears to the Government that a Village Panchayat or a Municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty or the carrying out of such order.

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

8. Procedure in case of defective management of ferries leased out.— Whenever [6][a municipality or a village panchayat] is satisfied that the vessels, or appliances of any ferry which has been leased out are unsafe or insufficient, or that such ferry is not efficiently manned, [6][it] shall, by notice, call upon the lessee to make good the defect within a reasonable time and inform him that, at the expiration of such time, fixed in the notice, he will be liable, in the event of non compliance, to have his lease cancelled and to have the deficiency complained of made good at his own expense. If the lessee shall not comply with the terms of the notice, [6][a municipality or a village panchayat] shall be at liberty to make good the deficiency at the expense of the lessee, and to cancel his lease.

9. Recovery of expenses incurred on account of defaulting lessee.— In case the [7][Government or a Municipality or a Panchayat] shall have incurred any expense on behalf of the lessee under the preceding section, the same may be deducted from the security deposited by the lessee, or recovered as an arrear of land revenue.

10. Penalty for evasion of ferry charge or toll and for unauthorised levy of toll, etc.— Any person who refuses or evades the payment of any ferry charge or toll payable under this Act, or without due authority levies any ferry charge or toll under colour of this Act or being empowered to collect ferry charges or tolls under this Act collects or receives any sum in excess of the lawful due or infringes any right of ferry, or toll-gate, [8][or plies any boat or other vessels for transporting passengers, goods or animals within the limits of a ferry or toll-gate [7][prescribed under section 3] and contrary to the provisions of section 3 of this Act] shall be punished, on conviction before a Magistrate, with fine which may extend to fifty rupees, or with simple imprisonment, in lieu of fine, which may extend to one month.

11. Power of Magistrate to order confiscation.— When a Magistrate has found that an offence under this Act has been proved, he may order that any vessel or other thing used in the commission of such offence shall be confiscated.

12. Mode of recovering fines.— All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure.

13. [9][x x x x]

6A. Inserted by Act 16 of 2000
7. Substituted by Act 16 of 2000.
8. Added by Act 1 of 1088.
9. Omitted by Act 16 of 2000.

*THE COCHIN FERRIES AND TOLLS RULES, 1083

Rules Regarding leasing and Management of Public Ferries

The following rules in regard to the leasing and management of the public ferries in the State are hereby promulgated by the Diwan for the information and guidance of the Revenue Officers. They will come into force from the 1st Thulam, 1083.

1. The right of collecting the ferry charges payable at the public ferry of the state established under section 3 of Act III of 1082 (Ferries and Tolls Act) will be sold by public auction by the [1][Sub-Divisional Officer] of the taluk in which the ferries are situate, except the Ernakulam-Mattancheri which will be sold by the [10][Executive Engineer]. At least 15 days previous to the sale, notification shall be published in the Cochin Government Gazette specifying the places at which the auction sale will be held, the period for which the leases will run and the upset prices at which they will be put up for sale. The period should not exceed 3 years and as a rule should be confined to one year. The sale should be held one month prior to the date of expiry of the current lease. The officer who conducts the sale will be at liberty to raise the upset price or lower it as the case may be.

2. The leases will be knocked down to the highest bidder above the upset prices subject to confirmation by the Diwan in the case of the Ernakulam-Mattancheri ferry and also in all cases where the amount of the previous year's lease being not less than Rupees 100 the highest bid has fallen short of the amounts obtained on the previous year. In all other cases the Executive Engineer shall be at liberty to reject all or any of the bids.

3. Persons intending to bid must attend in person or by duly authorised agents, and shall not be allowed to bid unless they deposit, before the sale conferences, such amount as the Executive Engineer may direct. The deposit of unsuccessful bidders will be returned to them at the close of the sale.

4. Within a week after the intimation of the confirmation of the same the lessee shall pay into the taluk treasury such further amount as with the deposit already made will make up 30 per cent of the bid or furnish security for half the amount of hid bid. In default, the lease will be resold at his risk, the deposit being held liable in the first instance for the loss accruing from such resale.

5. The lessee shall execute an agreement in such form as the Diwan or the Executive Engineer may prescribe and register it if so ordered by him. The cost of registration as well as value of the stamped paper required for the execution of the agreement shall be borne by the lessee. The lessee shall not transfer or sub-let the leases without the previous sanction of the Diwan or the Executive Engineer.

6. The lessee shall pay the amount according to the lessee in such install as the Diwan or the Executive Engineer may direct. When any installment is overdue, the Diwan or the Executive Engineer may either place the ferry under Government management or resell the lease at the defaulter's risk.

7. The lessee's deposit shall be liable for the satisfaction of any claim arising against him; any balance which remains will be returned to him on the portion of the lease.

8. The Sub-Divisional Officer of taluks shall maintain a D.C.B amount of ferry receipts and submit a quarterly statement to the Executive. They shall also maintain a correct list annually of all the established rules in the taluk showing against each the lease amount and the time of the lease.

9. The lease shall provide himself with boats in good condition and them in good repair. He shall ply his boats between certain fixed points will be specified in the sale notification and in the agreement which to the Government and shall not take over or land passengers except those points.

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* Published in Cochin Gazette dated 9-10-1907

10. Added by Notification No. 120 dated 13th Meenam 1115, published in Gazette dated 17th Meenam 1115.

10. The lessee shall have a sufficient number of boats in readiness at the side of the ferry and shall ply his boats in readiness at each side of the ferry and shall take care that British Mails and Cochin male passengers, animals and goods are not unnecessarily delayed. Whether by day or by night at such hours to be specified in the agreement, but are carried over with expedition.

11. The rate for ferry charges for passengers, goods or animals fixed by the Diwan from time to time under section 5 of the Ferries and Tolls Act, III of 1082 shall be specified.

12. Every passenger will be allowed to carry with him his luggage, not exceeding a cooly-load or Indian maund in weight free. Any quantity of luggage in excess of his limit shall be charged at the rates that may be fixed from time to time and specified in the sale notification.

13. The following persons shall be conveyed free of charge over all the ferries in the State.

(a) Members of the Cochin Police Force, viz., constables, Head Constables and Inspectors in uniform together with such prisoners or stolen property as may be in their charge.

(b) Nayar Brigage Sepoys travelling on duly and bearing passes signed by the head of the force.

(c) All Sirkar person employed to carry official reports and record when so carrying such reports and records, and bearing passes signed by the head of the office.

(d) All servants of the Sanitary Board travelling on duly with their jurisdiction and bearing passes signed by the President.

(e) Children under 5 years of age.

(f) Gosayis and Bairagis

(g) Students going to or from a Sirkar or any private school record ving grant-in-aid from the Sirkar and bearing passes signed by their Head Master [11][and bona-fide students of institution bearing passes signed by the Executive Engineer]

(h) Such other person as may be from time to time, be exempted by the Diwan.

Explanation:— The exemption of any person under the rules extends also to animals and conveyances actually used by him in travelling.

14. The Executive Engineer or sub-Divisional Officer shall determine the weight of cargo and the number of passengers which each boat can safely carry. He shall also prescribe the number and class of boats be maintained by the lessee and the number of men by whom they shall be worked.

15. The number of passengers and the weight of cargo which each boat can carry shall be specified in the agreement and shall be legibly painted thereof in Malayalam, and no passengers or cargo in excess of the limit shall at any one time be allowed on the boat. The lessee shall not use any boats other than these mark 1 as aforesaid.

16. The Diwan or the Executive Engineer may cancel the lease or any breach of the above rule recovering the balance of the rent for the year or in lieu thereof. Recover from the lessee a penalty not exceeding Rupees 10 for each such breach.

17. These rules shall be exhibited to public view in Malayalam and English on each side of the ferry.

18. As soon as the lease of all the ferries in the State is confirmed, the Executive Engineer will submit to the Diwan a consolidated taluk war statement showing [1] the names of ferries, [2] the amounts of the previous year's leases, [3] the amounts of the leases for the year, [4] the rates of charges for each ferry and [5] explanations for marked variations between [2] and [3].

19. From the date of this order all unauthorised or private ferries over any river, backwater or channel should cease to ply. The Sub-Divisional Officer will submit proposals for establishing Government ferries at any place in which private ferries are now working so as to bring the ferries under Government control and supervision and thereby ensure public safety and convenience.

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11. Added by Notification No. 120 dt. 13th Meenam 1115, published in Gazette dt. 17th Meenam 1115.

Rules regarding Leasing and Management of toll-gates

The following rules in regard to the leasing and management of the toll-gates of the State are hereby promulgated by the Diwan for the information and guidance of the Revenue Officer. They will come into force from the 1st Thulam 1033.

1. The right of collecting the tolls payable at the public toll-gates of the State established by the Diwan under section 3 of Act III of 1082 (Ferries and Tolls Act) will be sold by public auction by the Tahsildar of the taluk in which the toll-gates shall are situated. At least 15 days previous to the sale, a notification shall be published in the Cochin Government Gazette specifying the places at which auction sale will be held, the period for which the leases will run and the upset prices at which they will be put up for sale. The period should be held one month prior to the date of expiry of the current lease. The Officer who conducts the sale will be at liberty to raise the upset price or lower it as the lease may be.

2. The leases will be knocked down to the highest bidder above the prices, subject to confirmation by Diwan perishkar provided the amount of the highest bid obtained shall be reported to the Diwan for confirmation, The Diwan or the Diwan peishkar shall be at to reject all or any of the bids.

3. Persons intending to bid must attend in person or by duly authorised and shall not be allowed to bid unless they deposit before the sale composes such amount as may be specified in the sale notification. The deposits of successful bidders will be returned to them at the close of the sale.

4. Within a week after receiving intimation of the confirmation of the lease shall pay into the taluk treasury such further amount as with deposit already made will make up 33 per cent of the bidder furnish security the amount of his bid. In default the lease will be resold at his risk, deposit being held liable in the first instance for the loss accruing from resale.

5. The lessee shall execute an agreement in such form as the Diwan or the Diwan perishkar may prescribe and register it if so ordered by him. The cost of registration as well as value of the stamped paper required for exemption of the agreement shall be borne by the lessee.

(a) The lessee shall not transfer or sub-let the lease without the previous sanction of the Diwan or the Executive Engineer.

(b) The lessee shall pay the amount according to the lease in such installments as the Diwan or the Executive Engineer may either place the toll-gate under Government management or resell the lease at the defaulter's risk.

6. The lessee's deposit shall be liable for the satisfaction of any claims arising against him; any balance which remains will be returned to him on the expiration of the lease.

7. The Tahsildars of the taluks shall maintain a D.C.B account of the toll-gate receipts and submit a quarterly statement to the Diwan Perishkar. They shall also maintain a correct list annually of all the established toll-gates in the taluk showing against each the lease amount and the time of expiry of the lease.

8. The rates of tolls to be levied by the contractor at the toll-gates for conveyances or animals fixed by the Diwan from time to time under section 5 of the Ferries and Tolls Act III of 1082 shall be specified in the sale notification.

9. No toll shall be levied on any carriage passing through the same toll-gate more than once on the same day. But if the carriage having no passenger or goods in it is allowed to pass through the same toll-gate on the same day with passengers or goods in it, the contractor may levy the excess toll at the prescribed rate.

Note:- 'Day' means the period of sunrise on a day to sunrise on the next day.

10. The Contractor must give proper receipts for all amounts recovered by him.

11. No toll shall be levied on —

(a) Carriages engaged by the officers of the Police and Salt Departments and on the goods or carriages in their custody.

(b) Carriages engaged by the Nayar Brigade sepoys or the British sepoys and the goods belonging to them.

(c) Sirkar elephants used for procession of any incorporated or unincorporated temples.

(d) Carriages engaged by the officers of the Public Works Department.

(e) Carriages and goods belonging to the British Postal and Telegraph Department and the Cochin Anchal Department.

(f) Sirkar Carriages, treasure or other goods.

(g) Such other conveyances or animals as may, from time to time be exempted by the Diwan.

12. The Diwan or the Diwan Perishkar may cancel the lease for any breach of the above rules, recovering the balance of the rent for the year or the lease a penalty not exceeding Rs.10 for each

13. The contractor must maintain correct accounts of receipts and they shall be open to inspection by any officer the Diwan or the Diwan Perishkar may direct.

14. All toll-gate lessees shall always provide themselves with charge for not less than Rs.10 so that passengers may not be delayed at the toll-gate.

15. The above rules shall generally apply to all toll-gates in the State. If, in respect of any particular toll-gate in the State, the Diwan or the Diwan Perishkar is of opinion that the rules do not make adequate provision against any hardship entailing on the public on account of any special circumstances connected with its location or otherwise, it shall also be governed by such additional rules as may be issued by or with the previous sanction of the Diwan.

16. These rules shall be exhibited to Public view in English and Malayalam at each toll-gates.

17. As soon as the lease of all the tolls in the State is confirmed, the Diwan Perishkar will submit to the Diwan a consolidated taluk-war statement showing—

(i) The name of the tolls.
(ii) The amounts of previous years lease.
(iii) The amount of the leases for the year.
(iv) The rates of tolls levied at the toll-gates.
(v) Explanation for marked variation between (ii) and (iii).

*NOTIFICATION

In exercise of the power vested in the Diwan under section 3 of Act 11 of 1082 (ferries and Tolls Act), it is hereby notified for general information the public ferries of the State as shown in the sub joined statement have published by the Diwan.

List of Existing Ferries in the Cochin State Cochin-Kanauannur Taluk

1. Ernakulam-Mattancherry
2. Kumbalam
3. Venduruthy-Palluruthy Nada
4. Venduruthy-Thevara
5. Mulavukad-Elankunnupuzha
6. Bolghatty-Vallarpadam
7. Murikkumpadom-Vallarpadam
8. Poozhithode-Chittur
9. Chathiath Kadavu-Mulavukad
10. Valathuruth-Chathedom
11. Thevara
12. Kattathu Kadavu-Punambukad
13. Perumanur-Venduruthy
14. Gothuruthu-Chathedom-Vadakkethuruth
15. Cheranellur-Korampadom
16. Ambazathu Kadavu
17. Ochenthuruth-Vallarpadom
18. [12][vaduthala-Chittur]

* Notification published in Cochin Gazette dated 26th Kanni 1083.

12. Deleted by notification R Dis 2152/52/PWC dt. 23-9-1957 published in Kerala Gazette dt. 29-9-1957.

THE MADRAS CANALS AND PUBLIC FERRIES ACT, 1890

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*THE MADRAS CANALS AND PUBLIC FERRIES ACT, 1890

(Act II of 1890 as amended by Act 11 of 1895, Act V of 1914, Act VIII of 1914, Act VII of 1939, Act XX of 1941, Act 7 of 1980, & Act 16 of 2000)

An Act to make better provision for the establishment of canals and public ferries in the **[Presidency of Madras] and for the management thereof.

Preamble.— WHEREAS it is expedient to make better provision for the establishment of Canals and Public Ferries in the **[Presidency of Madras] and for the management thereof; it is enacted as follows:—

1. Short title and local extent.— This Act may be called the [1][Madras] Canals and Public Ferries Act, 1890.

It extends to the whole of the **[Presidency of Madras.]

2. [Repeal].— Repealed by the repealing and amending Act, 1901 (Central Act XI of 1901)

3. Definitions.— In this Act, "Vessel" includes any ship, barge, boat, raft, timber, bamboos, or floating materials, propelled in any manner;

"channel" includes any waterway, whether natural or artificial;

"line of navigation" means any navigable channel, or series of connected navigable channels;

"canal" means a line of navigation, declared to be subject to the provisions of this Act;

"ferry" means a place at which goods, animals or passengers are conveyed across a channel by means of vessels;

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

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

"public ferry" means a ferry declared to be subject to the provisions of [3][Sections 9 to 18 of this Act].

4. Power to apply Act to any line of navigation.— The [4][State Government] may, by notification in the [5][Official Gazette], declare any line of navigation to be subject to the provisions of this Act from a date to be named in such notification, and may in like manner cancel or modify any such notification.

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* The Act came into force on the 1-8-1890. [See Fort St. George Gazette, 1890; Part I, P. 529.]

** Adapted by Kerala Adaptation of Laws Order 1956. Read as Malabar District.

1. Inserted by Act 14 of 1951.
2. Inserted by Act 16 of 2000.
3. Substituted by the Canals and Public Ferries (Amendment) Act, 1941 (Madras Act XX of 1941).
4. Substituted by the Adaptation Order, 1937 for the word "Provincial Government" and "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
5. Substituted by the Adaptation Order of 1937 for the word "Fort. St. George Gazette".

[6][**5. Vessels to be registered or licensed as directed by Government.**— All vessels using a canal shall be either licensed or registered as the [4][State Government] may direct:]

[7][Provided that the [4][State Government] may exempt from the operation of this section all or any vessels or classes of vessels using a canal or portion of a canal.]

6. [7A][**Power of a Municipality or a Panchayat to fix fees and rates of toll and to establish toll stations.**— (1) The Panchayat or Municipality may from time to time—

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

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

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

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

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

7. Power of Persons duly authorised to impose punishment for breach of condition of license and to deal with any obstructions or with navigation in contravention of Act.— Any person duly empowered by [8][the State Government] in this behalf may—

(i) Suspend or cancel the license or registration of any vessel in case of breach of any conditions thereof, or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel a penalty not exceeding five rupees for each such breach;

(ii) remove from the canal any vessel which may be sunk or abandoned therein, and may recover any expense incurred in so doing by the sale of the vessel; a vessel left for more than three days without a competent person in charge shall be held to be abandoned;

(iii) in case of emergency remove any other obstruction, or contrivance for fishing, or other thing which is an impediment to navigation, or in other cases serve notice upon the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall be recoverable from the owner: provided always that, in cases of interference with private rights reasonable compensation shall be payable;

(iv) Prohibit the construction of any contrivance for fishing or for any other purpose in the canal or any erection therein or on a tow-path or other land appurtenant thereto;

(v) Stop any vessel navigating the canal in contravention of any of the provisions of this Act or of any rule made or any condition of license or registration prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or recovered under clause (i) of this section or until the offence, if any, has been inquired into and disposed of.

Powers under this section may be conferred either by name or in virtue of an office.

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6. Substituted by Madras Act II of 1895.
7. Proviso added by the Madras Act V of 1914.
7A Substituted by Act 16 of 2000 for Section 6.
8. Substituted by the Adaptation Order of 1950 for the word "provincial".
9. Section 7A inserted by the Canals and Public Ferries (Amendment) Act, 1941 (Madras Act XX of 1941); permanently re-enacted by section 2 of & the 1st Schedule to the Madras Re-enacting and Repealing (No.1) Act, 1948 (Madras Act VII of 1948).

[9][7A. **Power to declare that ferries not being public ferries shall be subject to rules for securing the safety of passengers.**— (1) The [10][State Government] may, by notification in the [11][Official Gazette], declare that any ferry, not being a public ferry, shall be subject to any rules made by them under this section for the purpose of securing the safety of passengers conveyed across the ferry.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for.—

(i) the types of vessels that may be used for conveying passengers across the ferry; and

(ii) the number of passengers that may be so conveyed on vessels of each such type.]

8. Power to apply Act to any ferry and define limits of ferry.— The [10][State Government] may, by notification in the [11][Official Gazette,] declare any ferry to be subject to the provisions of [12][Sections 9 to 18 of this Act] from a date to be named in such notification, and may define the limits of such ferry. The [10][State Government] may, in like manner, cancel or modify any such notification.

9. Upon Such application existing rights of ferry to cease.— From such date all previously existing rights of ferry within the limits defined in the notification shall cease and determine and it shall be unlawful for any person not duly authorised to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force:

Proviso:– Provided that, when rights of ferry are extinguished under this section, compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of land for public purposes.

[13][**10. Power of Municipality or Panchayat to provide for management of ferries.**— (1) A Municipality or Panchayat may—

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

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

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

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

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

[14][**10A. Power to take action for default by a Panchayat or a Municipality.**—(1) If at any time, it appears to the Government that a Panchayat or a Municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

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10. Substituted by the Adaptation Order of 1950 for the word "provincial".
11. Substitued by the Adaptation order of 1937 for the words "Fort. St. George Gazette".
12. Substituted by the Canals and Ferries (Amendment) Act, 1941 for the words "this act". (Madras Act XX of 1941), permanently re-enacted by section 2 of & the 1st Schedule to the Madras Re-enacting and Repealing (No.1) Act, 1948 (Madras Act VII of 1948).
13. Substituted by Act 16 of 2000.
14. Inserted by Act 16 of 2000.

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

11. Power to assign management of canal to district Board or Municipal Council.— The management of any canal [16][x x] may by order of the [17][State Government,] be assigned to a *local board or municipal council [18][x x] which shall exercise all the powers stated in Section 7, and may, subject to the control of the [17][State Government,] confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of the Indian Penal Code.

12. Power to appoint persons to collect tools or fees and to lease out Collection thereof.—The [17][State Government] or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or fees other than license fees may, under such conditions as the [17][State Government] may from time to time prescribe, be leased out and in such case the lessee and his agents and servants shall be deemed to be so appointed.

13. Procedure in case of non-payment of toll, etc., on demand.— In case any tolls. Fees other than license-fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by the [17][State Government] of the managing authority in this behalf may sell the same by auction after fifteen days, public notice of the sale if such toll, fee of penalty is still unpaid. After the deduction of such toll, fee or penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the things sold was taken.

14. What payments may be recovered as arrears of revenue.— All Canal and ferry rents and expenses incurred under Section 7 may be recovered by the Collector of the district in like manner as if they were arrears of land revenue:

[19][Provided that any ferry rent due to a [20][local board or municipal council] shall be recovered as if the same were a tax due to the [20][local board or municipal council].

15. Form, etc. of licenses and registrations.— All licenses granted and registrations effected under this Act shall be in such form shall be valid for a voyage or for such time, and shall contain, or be subject to, such conditions as the [17][State Government] may from time to time direct.

16. Power to make rules.— The [17][State Government] may make rules in respect of any canal or public ferry for all or any of the following purposes:—

(i) declaring the powers to be exercised by any person employed under this Act;

(ii) Providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition;

(iii) Regulating the dimensions of free board of vessels using any canal or public ferry, the equipment of the same and the number of passengers and the nature and quantity of cargo to be carried therein;

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16. Omitted by The Canals and Public Ferries (Amendment) Act, 1939 (Madras Act VII of 1939).
17. Substituted by the Adaptation Order of 1950 for the word "Provincial".
* Now District Board or Panchayat

(iv) Regulating the speed at which vessels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels and the use of landing places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses;

(v) The disposal of vessels or other things confiscated or seized under this Act;

(vi) for the conveyance of passengers; and generally for the purpose of this Act.

17. Penalty for breach of rule.— Any person who breaks any rule made under this Act shall be punishable on conviction by a Criminal Court with fine not exceeding fifty rupees in case of a single offence and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year or to fine of five hundred rupees, or both.

18. Penalty for navigating a canal or establishing or working a ferry in contravention of Sections 5, [21][7A] or 9.— Any person navigating a canal or establishing or working a ferry in contravention of section 5, [21][7 A] or 9 of this Act shall be liable on conviction before a Criminal Court to fine not exceeding five hundred rupees.

19. Penalty for evasion of toll or fee and for unauthorized levy of toll etc.— Any person who refuses or evades payment of any toll or fee payable under this Act, or without due authority levies any toll or fee under colour of this Act, or, being empowered to collect tolls or fees under this Act, collects or receives any sum in excess of the lawful due, shall on conviction by a Criminal Court be punishable with imprisonment of either description not exceeding one month, or with fine not exceeding one hundred rupees, or with both.

20. Power of court to order confiscation.— On conviction had of any offence under this Act, the Court may order that any vessel or other thing used in the commission of such offence shall be confiscated.

[22][**21.** The [23][State Government] may delegate all or any of [24][their] powers under Sections 5,10,11,12,13 and 15 to any officer not below the rank of District Collector or Superintending Engineer.]

22. [25][Omitted]

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18. Omitted by the Adaptation Order of 1937.
19. Proviso added by the Canals and Public Ferries (Amendment) Act, 1939 (Madras Act VII of 1939).
20. Now District Board or Panchayat.
21. Inserted by the Canals and Public Ferries (Amendment) Act, 1941 (Madras Act VII of 1948); permanently re-enacted by section 2 of & the 1st Schedule to the Madras Re-enacting and Repealing (No.1) Act, 1948 (Madras Act VII of 1948).
22. Added by the Madras Act, (VIII of 1914).
23. Substituted by the Adaptation Order of 1950 for the word "Provincial"
24. Substituted by the Adaptation Order of 1937 for the word "his"
25. Omitted by Act 16 of 2000

THE CANALS & PUBLIC FERRIES RULES, 1917 (MADRAS)

NAVIGATION RULES - MALABAR DISTRICT

Under the provisions of Section 16 of the Canals and Public Ferries Act, 1890, the Governor in Council is pleased to declare that in supersession of the notification, dated 29th January, 1917 published at pages 623-624 of Part I of the fort St. George Gazette, dated 15th May 1917, the following rules shall, on or after the 1st October, 1923 be in force on the marginally-noted lines of navigation in the Malabar District notified under section 4 of the Act.

(1) From Kawayi to Azhikal via the Elimala river, Sultan's canal and Matool river.

(2) From Badagara to the Beypore river via the Cotta, Agalapuzha and Korapuzha river the Conolly Canal and the Kallayi river.

(3) From Tirur to Ponnani via the Tirur and Ponnani rivers.

(4) From Ponnani to Ala via the Canolly canal and the connected backwaters.

(5) The Kalvetti canal in Cochin.

(6) From Edavana to Beypore via the Beypore river.

(7) From Irrukur to Azhikkal via Baliapatam river.

(8) From Kuttiadi to Badagara via the Kuttiadi and Mariat rivers.

(9) From Beypore river to the north end of the Pooraparamba cut via Cheriapuzha, Kadalundy river and Keeranallur stream

(10) From Keernallur stream of the north end of the Poorparamba cut, to Tirur river via Pooraparamba cut, Pooraparamba river and the improved Canolly canal.

In the case of vessels other than steamers and motor vessels using lines of navigation numbered 1,2,6 and 7 above, the following rules only shall be applicable: 12,14,16 (except last sentence) 17,19,20 (clause (a) only), 29, 34 and 35.

1. For the purpose of these rules the Executive Engineer, West Coast Division and the officers of the Public Works Department in charge of sub-divisions and sections, shall be 'canal officers'.

2. Vessels to be licensed.— [1][Every vessel using a canal in the Malabar area shall be either licenced or registered, by the Executive Engineer, Irrigation Division concerned or by any Officer duly authorised by him in this behalf, provided that

(i) the vessels belonging to the Government will be exempted from paying licence fees.

(ii) Government may, for special reasons, exempt any vessel from payment of licence fees subject to such conditions as may be specified.

Note:- Irrigation department will assign a number to each boat and vallam mechanised or non-mechanised and maintain a register showing the complete details. Every boat or vallam mechanised or non-mechanised will be provided with number plates. The size of the number plates will be of 15 cm. width with required length. The letters will be of size 10 cm. and having a width of 1.25 cms. The letters and numerals shall be in English and be painted in white on black

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1. Substituted by SRO No. 1176/88 published in Kerala Gazette No. 39 dt. 4-10-1988.

background for vessels intended for personal use (private) and in black on white background for public vessels. The numbers will be alloted on the basis of revenue district. The first letter will be "K" in all cases indicating Kerala. The second letter will represent the district as follows:-

Palghat	-	G
Malappuram	-	M
Kozhikode	-	D
Wayanad	-	W
Cannanore	-	C
Kasaragod	-	S

The third letter will indicate whether the Water Transport is mechanised or non -mechanised. Capital letters from A to M will be allotted for mechanised boats and N to Z for non-mechanised boats in each district.

KGA or KGB } for mechanised boats 1 to 9999 in Palghat District.

KGN or KGO } for non-mechanised boats 1 to 9999 in Palghat District

KMA or KMB } for mechanised boats 1 to 9999 in Malappuram District

KMN or KMO } for non-mechanised boats 1 to 9999 in Malappuram District

KDA or KDB } for mechanised boats 1 to 9999 in Kozhikode District

KDN or KDO } for non-mechanised boats 1 to 9999 in Kozhikode District

KWA or KWD } for mechanised boats 1 to 9999 in Wayanad District

KWN or KWO } for non-mechanised boats 1 to 9999 in Wayanad District

KCA or KCB } for mechanised boats 1 to 9999 in Cannanore District

KCN or KCO } for non-mechanised boats 1 to 9999 in Cannanore District

KSA or KSB } for mechanised boats 1 to 9999 in Kasaragod District

KSN or KSO } for non-mechanised boats 1 to 9999 in Kasaragod District

The registration plates will be fixed on both sides above the load line in the rear side of the vessel.

Registration book will be maintained for recording the remittance of registration fees, transfer of ownership etc.]

3. Vessels other than rafts.— On application by the owner of a vessel or his agent either in person or by letter for permission to navigate any particular line or connected lines of navigation, and on payment of the fees prescribed in the notification published under section 6 of the Act, the Executive Engineer West Coast Division, or any other Canal Officer or Canal clerk duly authorized by him, shall grant a licence or certificate of registration for such navigation in the form prescribed subject to the condition that claims for compensation in consequence of the closure of all or any of the canals for repair, or insufficiency of water or any other impediment to navigation shall not be recognized. The licence or certificate of registration shall be annual and shall run from the date of issue to the last day of the Malayalam year following.

Vessels registered shall be subject to the same rules and regulations as those for which licences are taken out as far as they are applicable.

Vessels intended only for the personal use of the owners and not employed in carrying goods, animals or passengers for purposes of trade may be registered. All other vessels of a registered tonnage of one ton and over shall be licensed:

Provided that in respect of vessel whose licence or certificate of registration, as the case may be, expires on the 31st March, 1938, a licence or certificate of registration shall be granted for the period commencing on the 1st April, 1938 and ending with the last day of the Malayalam year succeeding on payment of one and three-eights of the fees prescribed for an annual licence or certificate.

Note:– (1) Extension of time for the renewal of licences and registration certificates granted by the Cochin or Travancore State in the case of vessels licensed or registered under Cochin Act No. 1 of 1092 or Travancore Regulation No. VI of 1096, as the case may be, shall be recognised and free passage shall be allow for such vessels in the portion of the canals in British Territory during such period.

Note:– (2) Vessels proceeding to licencing stations for obtaining a licence or registration certificate under Cochin Act No. 1 of 1092 or Travancore Regulation No. VI of 1096, shall for a period not exceeding fourteen days be allowed to ply without a licence or registration certificate provided they carry written permits from a Canal Officer. Such vessels shall not carry goods enroute.

4. Inspection of steamers.— (a) The application for an original licence of a steam vessel shall be made by the owner to the Executive Engineer at least two Calendar months before the licence is required. In making such application the owner shall give the name and address of the person to whom notice of inspection of the vessel should be given.

(b) The inspection of the hull and the machinery of a steam vessel shall be made by the Executive Engineer or any person deputed by him within fifteen days of the receipt of the application.

(c) As soon as possible after such inspection the executive Engineer shall, if the hull and machinery be in good condition, give notice to the Senior Inspector of Steam-boilers and Prime-movers, Madras, stating the name of vessel and its owner, the place where it should be inspected and the name and address of the person to whom the notice of inspection should be given.

(d) On receipt of such notice the Inspector shall arrange to fix a date for inspection which shall be within thirty days of its receipt and shall give the owner or the person named by him fourteen day's notice of his intention to inspect, stating what preparations should be made for his inspection.

(e) If, on such inspection, the Inspector is satisfied that the boiler is in good condition, he shall issue to the Executive Engineer the usual boiler certificate to that effect, specifying the maximum pressure at which the boiler may be worked and the period for which such certificate shall be in force.

(f) The Executive Engineer shall, within a week of receipt of the Boiler Inspector's certificate grant a certificate of inspection and also a licence.

(g) In the event of none of the Inspectors of Steam-boilers being able to inspect the vessel before the date of expiry of the certificate provided the six week's notice has been given, the Senior Inspector of Steam-boilers, Madras, shall intimate to the Executive Engineer that no Inspector is available and the 'Executive Engineer will endorse the current certificate extending it until such time as arrangements can be made for the inspection of the boiler. The period of such extension shall not exceed two months.

(h) All licences shall expire at the end of the period for which the certificate of inspection is granted. If the owner wishes to ply his steam vessel beyond the period covered by such certificate, he shall give notice of his desire to do so to the Executive Engineer at least six weeks before the date of the expiry of such certificate.

5. Counterpart of licence and certificate of registration.— Every canal officer empowered to grant licences and certificate of registration shall retain the counterpart of every licence or certificate of registration granted by him, and shall be responsible that it corresponds to the licence or certificate of which it is a counterpart. When an alteration is made in the licence or the certificate, a corresponding alteration shall be made in the counterpart thereof.

6. Transfer of licence or certificate of registration.— (1) Every transfer of ownership of a vessel licensed or registered under these rules shall be reported by the owner to the Officer who granted the licence or certificate of registration as the case may be. Such Officer shall, on the application of the owner and the transferee and on receipt of the licence or certificate as the case may be, alter such licence or certificate by substituting the name of the transferee for that of the owner.

(2) A licence or certificate of registration granted for one vessel shall not be transferred to any other vessel.

(3) Every licence or certificate of registration shall be renewed at the station at which it was issued on delivery of the old license or certificate of registration, or on default of such delivery, on payment of a fee of one rupee in addition to the fee payable renewal:

Provided that where the permanent residence of the owner is at, or is changed to, a place outside the jurisdiction of the Officer who granted the licence or certificate of registration the renewal shall be made at the station of the officer within whose jurisdiction the owner resides, on the delivery to such officer of the old licence or certificate of registration and on the production of the vessel for identification and verification of tonnage.

(4) Application for the renewal of a licence or certificate of registration shall not be made by a transferee of the vessel before the procedure prescribed by sub-rule (1) has been complied with.

7. Registered tonnage of steam and motor vessel.— The rent or registered tonnage of a steam or motor vessel upon which fees are leviable shall be ascertained as follows. The extreme length, the extreme breadth and depth shall be measured in feet and inches and their product shall be divided by 100. The quotient shall be multiplied by 1.02 for vessels of 1,000 cft. capacity or under and by 1.05 for vessels above 1,000 cft. capacity. The produce so obtained shall be the net or registered tonnage of such vessels. The breadth shall be measured as nearly as possible at the centre of the extreme length. The depth shall be measured in a vertical line at the centre of the extreme length from an athwartship line extended from the upper edge of the upper strake, on both sides, of the vessel, all vessels being considered to be open ones. If the vessel has a fixed inner planking throughout the measurement for depth shall be to the top side of such planking. If the vessel has no such fixed planking the measurement for depth shall be to the inner side of the outer bottom planking. If the registered tonnage exceeds one ton fractions above half shall he taken as one ton and other fractions rejected.

Note:– The term "inner planking" means planking fixed to the inner side of the ribs following the contour or the shape of the vessel.

8. Registered tonnage of vessels other than steam and motor vessels.– The gross

tonnage of a vessel other than steam and motor vessels shall be ascertained by multiplying its length, breadth in feet and inches and dividing the product by 50. The length shall be measured at half the midship depth in a straight line from the inside of the outer planking at the side of the steam to the inner side of the outer planking at the outer side of the stern post and shall be hereinafter called the length of the tonnage. The breadth for tonnage shall be one-sixth of the sum of five widths taken at equal distances along and at right angles to the above length for tonnage and measured from the rib on one side to the planking on the other side. If the vessel has a fixed internal planking the said five widths shall be measured from the inner side of such planking on one side to the inner side thereof on the other. The depth of all vessels shall be measured in a vertical line at the centre of the length for tonnage to the top side of the fixed internal planking if there is one or to the inner side of the outer bottom planking tonnage upon which fees are leviable shall be the gross tonnage less 15 per cent. Any fraction of a ton above half shall be taken as one ton and other fractions shall be rejected.

9. What to be deemed the tonnage of a vessel.— Whenever the tonnage of any vessel has been ascertained, the same shall thenceforth be deemed to be the tonnage thereof unless any alteration is made in the form or capacity of such vessel or unless it is discovered that the tonnage thereof has been erroneously compacted in either of which cases such vessels shall be remeasured and her tonnage determined according to the rules herein before contained in that behalf.

Note:– Every time the licence of a vessel is renewed it shall be the duty of the officer issuing such a licence to remeasure the vessel unless he himself was the officer who licensed it previously.

10. Provision in case of loss of licence or certificate of registration.— If the original licence or certificate of registration be lost, a duplicate shall be issued by the officer who granted the licence on payment of the fee prescribed in the notification published under section 6 of the Act. If the loss occurred during the absence of the vessel from the station at which it was licensed or registered the loss shall be reported to the nearest canal officer who shall thereupon issue a pass in the prescribed form. Such pass should hold good until the arrival of the vessel at the station at which the licence or certificate was issued. Immediately upon such arrival, the owner or his agent shall deliver up the said pass and pay the prescribed fee for a duplicate licence or certificate.

The licence or the certificate of registration shall contain the particulars specified in the prescribed forms and such other conditions as the Executive Engineer may think fit to prescribe in any case.

11. Rafts.— The owners or persons in charge of rafts using any of the canals numbered 3,4,5 and 10 in the preamble to this part shall pay the fee prescribed in the notification published under section 6 of the Act, and take out licences in the form prescribed. The licence shall be in force for six weeks from the date of issue.

Note:– Rafts holding temporary passes issued by the Canal Officer of the Cochin State at Karanchira shall, for a period of twenty days from the date of issue of such passes, be allowed to ply without licences.

12. Regulation of traffic at wharves.— The regulation of traffic at wharves and landing places shall be according to the rules framed in that behalf and approved by Government. Such rules shall be fixed to a notice board in a conspicuous place at each end of the wharf and any infringement thereof shall be punished by suspension, for a period not exceeding three months, of the licence of the vessels contravening the rule or rules.

12A. Stacking goods on canal lands.— Goods shall not be stacked on any tow path or on the canal side of any tow path under any circumstances nor shall they be stacked on canal lands without the special permission in writing of the canal officer.

12B.— No vessel shall load or unload on any part of a canal or channel within one mile on

either side of a wharf, jetty or landing place except with the special permission in writing of the Executive Engineer, West Coast Division, and except on payment of fees prescribed in the notification published under section 6 of the Act, for the use of such wharf, jetty or landing place.

13. Private wharves.— No private wharf or landing stage shall be constructed on any public canal without the previous sanction of Government.

14. Free board.— No vessel carrying cargo shall be navigated in the canals unless it has a free board of at least nine inches, and no vessel carrying passengers, shall be so navigated unless it has a free board of at least twelve inches. The free board shall be measured from the water's edge to the top of the gunwale, when the vessel has no deck and to the upper side of the plank of the deck, when the vessel has a deck.

15. Passenger boats may carry cargo on certain conditions.— A boat licensed to carry passengers may also carry cargo, every ten cubic feet of cargo being considered as equivalent to one passenger, but the total of the number of passengers so calculated and the passengers actually carried shall not exceed the number of passengers which the boat is licensed to carry. If no passengers are carried, a boat licensed to carry passengers may carry cargo, subject only to the limit of free board of nine inches provided for in rule 14. No such vessel shall carry cargo such as fish, manure, bones, skins or other articles which in the opinion of the canal officer is offensive or dangerous.

16. Care and management of vessels.— No vessel shall be navigated without one person at least on board, competent to steer and manage her and acquainted with the rules regulating the navigation of the canals. No vessel shall lie or be left without a person on board capable of taking care of her.

17. Lights.— Vessels using any of the canals shall between sunset and sunrise exhibit the following lights:-

Vessels	When moving	When moved
Steam or motor boats	One clear white light on the upper deck 2. One bull's eye bright red light 6 inches diameter on the port or left side. 3. One bull's eye bright green light 6 inches diameter on the star board or right side.	One clear white light not less than 4 feet above the waterlevel and so placed. That is shall be visible fore and aft.
All other vessels	One clear white light with a glass not less than 3 inches diameter attached to the centre.	Do
Rafts	One clear white light at each end	One clear white light at each outer corner.

The two bull's eye lights shall be so placed and fitted that both may be visible from a point directly ahead of the vessel and so as not to be obscured by any of the fittings, cargo or passengers. Subject to these provisions, the lights may be placed in the front or on the top of the cabin, at the sides of the vessel near the bow, or on supports specially provided for the purpose. Vessels using acetylene or other lights of high power must be provided with special arrangements for shrouding the light and must shroud the light when approaching or meeting other vessels.

18. Speed of steamers and motor vessels.— No steamer or motor vessel shall travel at a greater speed than six miles per hour, and between sunset and sunrise the speed shall not

exceed three miles an hour. The speed shall be reduced to three miles an hour during the day and two miles an hour between sunset and sunrise when passing round a bend, or when approaching a lock or other navigation works. Every steamer or motor vessel shall be furnished with an efficient whistle or hooter and shall whistle or hoot when approaching a bend or a lock. Steamers and motor vessels shall be warped or poled into or out of locks and shall not use their propellers or paddle wheels until quite clear of the lock.

19. Vessels to keep to the left.— (i) Boats passing through the canals shall keep in the left side, that is to say, boats going north shall keep to the west and boats going south shall keep to the east side of the canals.

(ii) Vessels or rafts going north shall keep out of the way, of vessels or rafts going south; a vessel or raft over taking another shall keep out of its way.

(iii) All vessels or rafts under sail shall lower their sails when passing through a masonry aqueduct, lock or flood gate.

20. Passing of vessels.— (a) When one vessel overtakes and passes another the overtaking vessel shall pass outside, that is, to the right of the over taken vessel which must keep as far to the left as possible to give room.

(b) In open water, a steam or motor boat must keep out of the way of a boat under sail.

21. Inspection of vessels other than steamers or motor boats.—The canal officer shall from time to time inspect all licensed vessels and see if they are maintained in a proper state of repair and cleanliness and if their gear is in good condition and may suspend the licence if a vessel is out of repair or unsafe or otherwise unfit for public use or for the carriage of goods as the case may be. So long as a licence is suspended, the vessel to which it relates shall not ply on any of the canals.

22. Inspection of motor vessels.— All motor vessels shall be inspected by the Executive Engineer or the officer empowered by him before they are licensed and once every year thereafter to see that they and their machinery are in good working order and they are in charge of a competent crew and an inspection certificate issued. In the event of such determination of the machinery as may in the opinion of the inspection officer cause danger the licence of the vessel shall be cancelled or suspended.

23. Production of licence.— A copy of the licence shall be exhibited publicly on the vessel, and a copy shall also at all times be carried by the navigating officer in charge of the vessel and shall be shown on demand by any canal officer, any police officer not below the rank of Sub-Inspector or any Magistrate.

24. Limit of canal officer's powers.— A canal officer may, on account of infringement of any of the provisions of the Act or any of the rules passed under it, suspend the annual licence of a vessel for not more than fifteen days for a first offence, thirty days for a second offence in the same year, sixty days for a third offence in the same year and for the unexpired portion of the licence for a fourth offence in the same year.

25. Pass for vessels under suspension to proceed to their destination.— When the licence for a vessel carrying cargo or passengers or both is suspended, the officer by whom the licence is suspended shall grant a pass in the prescribed form permitting the vessel to proceed to its destination for the purpose of landing cargo and passengers or to a place where she can be repaired. Such passes shall be in duplicate, of which one part shall be retained in the issuing office and the other part shall be delivered to the person in charge of the vessel. The fact and period of suspension shall be recorded by the canal officer upon the licence and upon the counterpart, but if the counterpart is not in his possession, he shall communicate the fact of suspension to the officer who issued the licence. In the case of suspension of a licence because of the defective state of a vessel's hull, machinery or gear, the suspension shall continue until the owner obtains a certificate from an inspection officer that the necessary repairs have been effected and that the vessel is again safe, sound and fit for the navigation of the canals. Such certificate

shall be endorsed on the original licence immediately under the order of suspension, which latter shall thereupon cease to have any effect. The order of suspension shall declare that it shall be in force unless and until such certificate shall be served upon and be filled by the officer who suspended the original licence.

26. Marks and Figures to be painted on vessels.— The owners of vessels other than rafts shall have the following figures and marks painted conspicuously on their vessels before using them on any of the canals and shall be responsible that those marks and figures are not defaced or obliterated.

(1) The number of licence or certificate registration and the initial M shall be painted on each bow.

(2) The tonnage of the vessel shall be similarly painted on each side of the stern post above the load line.

(3) The number of passengers, which the vessel is licenced to carry, on the stern of each such vessel or on the after-part of the cabin with the letter P prefixed.

(4) The load line for a length of 3 feet amidships, on both sides.

(5) Gauges in feet and tenth, with figures indicating feet and half feet, shall be painted on both ends of vessels to enable their actual draft to be readily ascertained at any time.

The said numerals and letters shall be in English and shall be painted in white on a black ground or black on a white ground. Each numeral or letter shall be not less than 4 inches in length and of proportionate breadth.

Note:– Clauses (1), (2), and (5) of the rule will apply to all private vessels intended for the personal use of the owners.

27. Circulation of rules.— A copy of the navigation rules, in English or in the Vernacular, shall at the time of registration or taking out a licence for every vessel other than a raft, be given to the owner or person in charge thereof, if he has not already got one and his signature taken in the register in token that he has received or has already in his possession a copy of the rules.

28. Mooring of vessels.— The Collector or the Executive Engineer, may from time to time, notify that no vessel shall be moored, or that no cargo shall be loaded or unloaded or passengers shipped or landed in any canal or part of a canal, except at specified places. Such notifications may be made applicable only to vessels carrying certain classes of goods.

29. Temporary suspension of traffic.— The Collector or the Executive Engineer may from time to time notify that navigation shall be suspended temporarily between specified dates on any canal or part of a canal.

30. Interference with locks, etc.— No person unless authorised shall interfere with the locks or any part of their machinery and with any of the lighting signals or other appliances for the working of the canal system.

31. Damage by any vessel.— If any vessel or raft fouls any lock gates, lock masonry etc., and thereby causes damage thereto, the section officer or the lock or wharf superintendent shall assess the amount of damage so caused. A notice specifying the amount of damage and demanding its payment shall be served on the master or owner of the vessel or raft and a copy of it sent simultaneously to the Sub-divisional Officer. Within one week of the service of the notice of demand, the amount shall be paid. It shall be lawful for the section officer or the lock or wharf superintendent as the case may be to seize the vessel or raft immediately the damage had been caused, and detain it until the amount is paid, the responsibility for safeguarding the contents of the vessel or raft resting solely with the owner thereof, and if within three days after the expiry of the week fixed for payment specified in the notice, the amount together with the cost of seizure or detention is not paid, the vessel or raft shall be sold with the approval of the Executive Engineer and out the sale-proceeds the section officer or the lock or wharf superintendent as the case may be shall pay to the credit of Government the amount of damage, cost of seizure, detention and sale, rendering to the owner the over plus, if any, on demand.

In cases where the vessel is carrying passengers, or perishable cargo, a permit shall be issued for the vessel to proceed to its destination.

32. Place and time of repairs of vessels.— No vessel shall be repaired in any canal without the written permission of the canal officer. The repairs shall be made at the place and during the time named in the written permission, and at no other place or time. The owner of the vessel shall remove from the canal all surplus materials used for such repairs within fifteen days after the repairs are completed. In the event of his failure to do so such materials shall be removed by the canal officer at the expense of the owner of the vessel and the licence may be suspended until payment is made.

A vessel which has been enlarged or structurally altered in such a manner as to affect the conditions upon which the licence or certificate was obtained, shall not ply until it is remeasured and a fresh licence or certificate is obtained. Such remeasurement and application for a fresh licence or certificate shall be made at the station at which the original licence or certificate was obtained. The applicant shall deliver up the old licence or certificate and shall, if the fee payable for the fresh licence is higher than that paid for the original licence, pay the difference between the fee paid for the original licence, and the fee payable for the fresh licence.

32 A. Petroleum vessels.— Notwithstanding anything contained in the foregoing rules, the following provisions shall apply in respect of vessels carrying petroleum in bulk or dangerous petroleum in tins (hereinafter referred to as petroleum vessel) on any canal.

(a) No petroleum vessel shall be tied up in any canal within a quarter of a mile of any lock or wharf or within such other distance therefrom as may from time to time be fixed by the Executive Engineer or other canal officer not below the rank of section officer of the Public Works Department. The limits within which a petroleum vessel may not be so tied up shall be indicated by red posts: provided that a petroleum vessel may, subject to the provisions of clause (c) be tied up within the limits aforesaid of a lock for such period as may be necessary to allow its arrival to be intimated to the Lock Superintendent and for the lock gates to be opened.

(b) From sunset to sunrise, two guarded red lights of a pattern approved by the Executive Engineer shall be displayed one on the bow and the other on the stern of a petroleum vessel, while using any canal, and on that side of the vessel on which other vessels may pass it.

(c) A petroleum vessel shall not enter a lock when there is any vessel there in nor shall a petroleum vessel remain with any vessel in the approach or tail channel of a lock. No vessel shall enter a lock or the approach or the tail channel thereof while there is a petroleum vessel in such lock, approach or tail channel.

(d) A petroleum vessel shall be passed through a lock in precedence of all other vessels.

(e) The Executive Engineer or other canal officer not below the rank of section officer of the Public Works Department may, by notice to the licensee or the person in charge of a petroleum vessel, prohibit it from plying in any canal or portion thereof, if in his opinion.

(i) the vessel is in danger of stranding by reason of the shallowness of water in such canal or portion, or

(ii) there is danger of any flood in such canal or portion.

(f) Every petroleum vessel shall carry suitable mooring chains and no such vessel shall be moored solely by means of ropes.

(g) Clauses (a), (b), (c), (e) and (f) shall apply to every vessel which has been used as a petroleum vessel until the petroleum compartments therein have been throughly cleaned and the vessel rendered quite free from petroleum and petroleum vapour.

(h) Petroleum in bulk and dangerous petroleum in tins shall not be loaded, or unloaded from any vessel or transported from one vessel to another except between sunrise and sunset and except at a place approved by the Executive Engineer or other Canal Officer not below the rank of Section Officer of the Public Works Department in that behalf. Such place shall ordinarily be at a distance of not less than a quarter of a mile from any wharf or dwelling house.

(i) The following precautions shall be taken by vessels loading or unloading petroleum to bulk or dangerous petroleum in tins whether for transhipment or otherwise:-

(1) Vessels of the tonnage mentioned in column (1) of the table below shall be provided with the number of fire buckets specified in the corresponding entry in column (2) thereof half the number being placed in the bow of the vessel and the other half in the stem thereof. Every fire bucket shall be at least 12 inches high and at least 10 inches deep and shall be filled with sand.

Tonnage of vessel	Number of fire buckets
(1)	(2)
Not exceeding 10 tons	8
Exceeding 10 but not exceeding 20 tons	12

The red flags of the description specified in sub-clause (1) of clause (d) of rule 38 of the Petroleum Rules, 1937, shall be hoisted prominently one at the bow and the other at the stem of the vessel concerned.

(2) No fire or light of any description (other than lights required by these rules) no matches and no detonating article or substance whatsoever shall be or shall be taken.

(i) on board any petroleum vessel; or

(ii) on board any vessel while within the limits of any place approved for loading.

All lights required under these rules to be used on petroleum vessels shall be of the guarded type and of a pattern approved by the Executive Engineer.

(3) No person shall cook in any petroleum vessel, and all cooking by any person in charge of such a vessel or by any person therein shall be done on the banks of the canal and at a distance of not less than one hundred yards from the mooring place.

(4) No person shall smoke while on board a petroleum vessel or while within the limits of any place approved for loading or unloading.

(5) Dangerous and non-dangerous petroleum shall not be conveyed together on the same vessel nor shall they be loaded or unloaded at the same time and place.

(6) Leaky tins containing dangerous petroleum shall not be loaded into a petroleum vessel, nor shall any leaky tins be stacked together with sound ones at loading or unloading places.

(7) The bilges of every vessel which has carried petroleum shall, immediately after the vessel has been unloaded be throughly cleared of all traces of petroleum and dried and the holds shall be thoroughly ventilated.

(j) Petroleum in bulk shall not be carried except in a vessel certified in the manner provided by rule 30 of the Petroleum Rules, 1937, issued under the Petroleum Act, 1934. Dangerous petroleum in tins shall not be carried in any vessel without the written authorization of the Executive Engineer or a Canal Officer not below the rank of Sub-divisional Officer, obtained on an application made in that behalf. The Executive Engineer or the Canal Officer aforesaid shall grant the said authorization after verifying, if necessary, that the safety appliances, safety lamps and mooring chains are provided in the vessel as required by this rule. Such authorization shall be carried by the tindal of the vessel and shall be produced on demand by any Wharf Superintendent, Lock Superintendent or Canal Officer.

33. The following rules and restrictions shall apply to.—

(1) the Cannolly canal,
(2) the Sultan's canal,
(3) the Kalvetti canal
(4) the improved cannolly canal between pooraparamba and Tirur rivers.

(a) No steamers or motor vessel shall navigate these canals.

(b) No vessel or raft more than 12 feet in breadth or drawing more than 2 feet of water

when loaded shall navigate the canals numbered (1), (2) and (3) above. No vessel or raft more than 9 feet in breadth or drawing more than 2 feet of water when loaded shall navigate the canal numbered (4) above:

Provided that the Collector or the Executive Engineer, for special reasons, exempt any vessel from any of these restrictions temporarily.

34. Out-break of epidemic diseases on board of vessels.— (1) It shall be the duty of the master of a vessel in any canal to report the occurrence on such vessel of any case of cholera or smallpox at the lock, wharf or licensing station at which the vessel arrives next after such occurrence, the report to be made to the lock or wharf superintendents or other officers of the Public Works Department in charge at such places.

(2) The Public Works Department in charge shall, under section 7 of the Canals and Public Ferries Act, 1890, stop such vessel at once from proceeding further, remove all passengers or other persons from the vessel, and isolate it as far as possible until it has been disinfected.

(3) The Canal officers shall report the occurrence to the nearest Medical Officer and shall, until the arrival of that Officer, render every assistance in their power to subdue the outbreak by the distribution of medicines and disinfectants.

(4) The vessel shall not be allowed to proceed without a written permit from the Medical Officer.

35. Carriage of lepers.— No person suffering from leprosy shall be carried on board any vessel licensed to carry passengers unless

(i) arrangements have been made to the satisfaction of the canal officer for the separation of the person and his attendants during the wholetime that they remain on the vessel from other persons carried in the same vessel, and

(ii) any other special precautions which the canal officer may consider necessary have been taken to prevent infection being communicated to other persons employed on or travelling in the vessel.

36. In these rules, unless there is anything repugnant to the subject or context, "Government" means the "Government of Madras".

FORM (Vide rule 3)

(In Duplicate)

Licence for a steamer or motor vessel

The vessel described below is licensed to carry passengers and goods and to ply for hire on the lines of navigation specified below subject to the following conditions–

1. Number of licence
2. Owners' name
3. Owners' residence
4. Description of vessel
5. Place where vessel was built
6. Year in which vessel was built
7. Extreme dimensions
8. Measurements for tonnage { Length, feet / Breadth, feet
9. Contents, cubic feet { Length, feet / Breadth, feet / Depth, feet
10. Gross tonnage
11. Deduction
12. Registered tonnage
13. Date of expiry of licence, last day of the Malayalam year
14. Amount of licence fee paid, Rupees

CONDITIONS

(1) This licence is granted subject to the provisions of the Canals and Public Ferries Act, 1890 (Madras Act II of 1890), and the rules framed thereunder for the lines of navigation in the Malabar district and shall be in force until the last day of the Malayalam year following unless previously cancelled or suspended in accordance with these conditions.

(2) The maximum load which the vessel may carry shall be as follows excluding crew:-

(a) If only passengers are carried Passengers.

(b) If only cargo is carried lb.

(c) If passengers and cargo are carried, 10 c.ft. of cargo shall be equivalent to one passenger.

(3) The vessel shall carry not less than the following crew:-

Engineers Navigation officers Men.

(4) The vessel shall be driven only by a driver holding a licence granted by the Executive Engineer.

(5) The Collector or the Executive Engineer may suspend or cancel the licence at any time for any breach of its conditions or of the provisions of the Act or rules framed thereunder or if, on inspection under the navigation rules, the inspecting officer considers that there are such defects as to cause danger.

(6) The licensed owner shall report any change of ownership and shall be responsible for all acts done under cover of the licence until the licence has been corrected.

(7) Application for renewal of the licence shall be made to the Executive Engineer at least a month before the expiry.

RECORD OF SUSPENSION OF LICENCE

Date	Place	Cause of suspension	period of suspension from	to	Signature of the officer ordering suspension
(1)	(2)	(3)	(4)	(5)	(6)

Note:– Rules 12, 16, 17, 18, 19, 20, 23, 24, 27, 32, 34 and 35 to be printed on the back of the form.

FORM (vide rule 3)

(In Duplicate)

Licence for vessels other than steamers, motor vessels and crafts

This licence is granted to permit the vessel described below to carry passengers and goods and to ply for hire according to the rules passed under Act II of 1890-

(1) Number of licence
(2) Owners' name
(3) Owner's residence
(4) Description of vessel
(5) Place where vessel was built.
(6) Year in which vessel was built.
(7) Extreme dimensions Length, feet Breadth, feet
(8) Measurements for tonnage Length, feet Breadth, feet Depth, feet
(9) Contents, cubic feet
(10) Gross tonnage
(11) Deduction

(12) Registered tonnage
(13) Date of expiry of licence, last day of the Malayalam year
(14) Amount of licence fee paid, Rupees

Note:– Ten cubic feet of cargo shall be equivalent to one passenger

RECORD OF SUSPENSION OF LICENCE

Date	Place	Cause of suspension	Period of suspension		Signature of the officer ordering suspension
			From	To	
(1)	(2)	(3)	(4)	(5)	(6)

Note:– Rules 12, 16, 17, 19, 23, 24, 27, 32, 34 and 35 to be printed on the back of the form.

FORM (vide rule 3)

Certificate of registration for vessels intended for personal use of the owner.

The motor vessel described below is registered for private use on the canal but not to carry goods, animals, passengers for hire or purposes of trader-

Number
Name of owner
Residence of Owner
Description of vessel
Vessel built at
Year in which the vessel was built
Amount of fee paid, Rupees
Period for which this certificate holds good
Date of expiration of the term of this certificate

(1) This certificate is granted subject to the provisions of the Canals and Public Ferries Act, 1890, and the rules framed thereunder, for the lines of navigation in the Malabar district subject to the following conditions.

(2) The vessel shall carry not less than the following crew:-

Engineers Navigation officers Men

(3) The vessel shall be driven only by driver holding a licence granted by the Executive Engineer.

(4) The Collector or Executive Engineer may suspend or cancel the certificate of registration at any time for any breach of its conditions or of the provisions of the Act or rules framed thereunder or if on inspection under the navigation rules the inspecting officer considers that there are such defects as to cause danger.

(5) The owner in whose name the certificate of registration has been granted shall report any change of ownership and shall be responsible for all acts done under cover of the certificate until the certificate has been corrected.

(6) Application for renewal of the certificate of registration shall be made to the Executive Engineer at least a month before the expiry.

RECORD OF SUSPENSION OF THE CERTIFICATE OF REGISTRATION

Period of Suspension		Cause of suspension	Place	Date	Signature of the Canal Officer ordering Suspension
From	To				

Note:– Rules 12, 16, 17, 19, 20, 23, 24, 27, 32, 34 and 35 to be printed on the back of the form.

FORM (vide rule 25)

Pass for a vessel, the licence of which is suspended, to proceed to its destination or place of repair

This pass is granted to permit the vessel noted below to proceed to its destination or place of repair, its licence having been suspended:–

Number of vessel
Place and date of licence
Name of owner
Residence of owner
Period of suspension
Number of rule infringed
Place of destination
Place where suspension should take effect
Place
Date

Signature of Canal Officer

FORM (vide rule 11)

(In Duplicate)

Six weeks licence for Rafts

This licence is granted to permit the raft noted below to navigate the canals according to the rules framed under the Canals and Public Ferries Act, 1890–

Number of licence
Description of raft Length, feet
Dimensions Breadth, feet
Superficial area, square feet.
Number of units of 100 sq. ft. or fraction thereof.
Amount of fee paid-Rupees A. P.
Date of expiration of licence
Place of issue
Date of issue

Signature of Canal Officer

Renewal			
Place	Date	Date of expiry	Signature of the officer who renews the licence

N.B.- This licence is to be shown on renewal.

Note:– Rules 12, 17, 19, 20, 24 and 27 to be printed on the back of the form.

FORM (vide rule 10)

(In Duplicate)

Pass for vessels for which the licence or certificate of registration has been lost

This pass is granted to permit the vessel noted below to navigate the canal without licence as it is reported that the $\frac{\text{Licence}}{\text{certificate of registration}}$ has been lost.

The fee prescribed for issuing a duplicate $\frac{\text{Licence}}{\text{certificate of registration}}$ has been paid;

Number of vessel
Description of vessel
Place and date of $\frac{\text{Licence}}{\text{certificate of registration}}$

Residence of owner
Fees paid - Rupees
Date of issue
Place of issue

Signature of Canal Officer

Navigation Rules - Kalvetti Canal, 1114

In exercise of the powers conferred by section 16 of the Canals and Public Ferries Act, 1890 (Madras Act II of 1890), and in supersession of all previous rules on the subject except the general rules published with the Public Works Department Notification at pages 1083-1091 of Part I of the Fort St. George Gazette, dated the 25th September 1923, as subsequently amended, the Governor in Council is hereby pleased to make the following special rules to regulate navigation in the Kalvetti canal in Cochin, in addition to the general rules aforesaid:-

(1) All vessels using the canal shall be moored at one side of the canal or the other, leaving a clear space in the centre for other traffic.

(2) No vessel shall be allowed to be hauled over the canal embankment unless its owner has constructed a shed therefore.

(3) Owners of vessels of one ton and over who have provided adequate shed accommodation for their vessels shall register their names at the municipal office, Cochin, and thereupon they shall be given a certificate of registration signed by the executive authority of the municipality.

(4) Logs of timber and rafts of any description shall enter the canal only during rising tide and shall be taken direct to the timber depots. The owners or persons in charge of such logs or rafts shall not keep them in the canal so as to obstruct traffic therein.

(5) No vessel shall be moored or tied to the municipal piles, the owners or persons in charge of vessel making their own arrangements for securing them to stern.

Note:– Any infringement of the foregoing rules will attract the penalties prescribed by section 17 and 20 of the Act.

***Special Rules for the use of and payment of fees at landing places, Jetty and wharf**

In exercise of the powers conferred by section 16 of the Canals and Public Ferries Act, 1890 (Madras Act II of 1890), the State Government are hereby pleased to make the following special rules for the use of, and the payment of fees at, the landing places, jetty and wharf notified under section 6 of the Act:-

RULES

In these rules, the expression 'goods' shall include empty bags, baskets, boxes, casks or other receptacles in which goods are usually carried.

(2) The fee for the use of landing places, jetty and wharf referred to above shall be paid by the owner of every boat which loads or unloads goods at any such landing place, jetty or wharf near Chowghat, a ticket shall be issued on payment of the fees referred to above. Such ticket will permit the holder to make use of the jetty and landing place and wharf for a period not exceeding seven days from the date of issue counting from previous midnight.

(3) Goods shall not be stacked on any towpath or on the canal side of any towpath under any circumstances.

(4) All boats stopping for the purpose of loading or unloading goods at the landing places shall moor along the canal banks at the places specified by the Canal Officers.

(5) The penalty prescribed in rule 12 of the Navigation Rules for the West Coast Canals, published with Public Works Department's Notification, dated the 22nd September, 1923, at pages 1084-1988 of Part I of the Fort. St. George Gazette, dated the 25th September, 1923, shall apply to any infringement of these rules or any refusal by the owner or other person in charge of a boat to furnish any information required by a Canal Officer.

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* Issued under notification. No.108 dt. 17th Mithunam 1114 In Cochin Gazette dt. 24th Mithunam 1114.

THE TRAVANCORE-COCHIN FISHERIES ACT, 1950

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*THE TRAVANCORE-COCHIN FISHERIES ACT, 1950

(Act XXXIV of 1950 as amended by Act 7 of 80, Act 21 of 91, & 16 of 2000)

Preamble.— WHEREAS it is expedient to make provisions for matters relating to fisheries in the State of Travancore-Cochin;

It is hereby enacted as follows,—

1. Short Title.— (1) This Act may be called the Travancore-Cochin Fisheries Act, 1950.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) Commencements: It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context;

'Fish' includes shell-fish;

'Fixed engine' means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationery in any other way;

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

'Private water' means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery, whether as owner, lessee or in any other capacity,

Explanation:– Water shall not cease to be 'Private water' within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

3. Close time.— (1) The Government may, by notification in the Gazette declare the whole year or any part thereof to be a close time in any area for any kind of fish.

(2) Subject to the provisions hereinafter contained it shall be unlawful except under a license, and in the manner and to the extent permitted thereby to capture any fish during such close time.

4. Protection of fish in selected waters by rules passed by Government.— (1) The Government may make rules for the purposes hereinafter in this section mentioned and may, by a notification in the Gazette, apply all or any of such rules to such waters, not being private waters, as the Government may specify in the said notification.

(2) The Government may also by a like notification, apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit all fishing in any specified water except under a license granted by the Government and in accordance with such terms and conditions as may be specified therein.

(4) Such rules may also prohibit or regulate either permanently, or for a time or for specified seasons only, all or any of the following matters, that is to say:—

(a) the erection and use of fixed engines;

(b) the construction of weirs:

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* Published in the Gazette dt. 12-12-1950.

1. Inserted by Act 16 of 2000.

(c) the dimension and kind of the contrivances to be used for taking fish generally, or any specified kind of fish and the modes of using such contrivances;

(d) the minimum size or weight below which no fish of any prescribed species shall be killed;

(e) the variety, description or power of lights used for fishing; and

(f) the destruction of fish or depletion of fisheries by pollution by trade or industrial effluents.

(5) Notwithstanding anything contained in sub-section (1), (2), (3) or (4), the Government may for the purpose of preserving or protecting fish in any area, make rules restricting, regulating or otherwise controlling fishing in private waters generally, and they may by notification in the Gazette apply all or any of such rules to such private waters as they may specify in the said notification after giving notice to the owners thereof and to all persons having or believed to have an exclusive right of fishing therein and after hearing there objections, if any.

(6) In making any rule under this section the Government may provide for—

(a) the seizure, forfeiture and removal of any fixed engines erected or used or nets or other contrivances used for fishing in contravention of the rules, and

(b) the forfeiture of any fish taken by means of any such fixed engine or nets or other contrivances.

5. Offering or exposing for sale or barter any fish killed in contravention of rules under section 4.— The Government may, by notification in the Gazelle, prohibit in any specified area the offering or exposing for sale or barter any fish killed in contravention of any rule made under the last foregoing section.

6. Penalty.— The breach of any notification under section 3 or of any rules made under section 4, or of any notification under Section 5, shall be punishable with fine which may extend to [2][one thousand rupees]:

Provided that the Superintendent of Fisheries or any Officer not below the rank of Fishery Inspector specially authorised by Government in that behalf may accept from any person reasonably suspected of having committed an offence against the rules made under sub-section (3) of section 4 by way of compensation for the offence which may have been committed, and where any property have been seized as liable to forfeiture may release the same on payment of the value thereof as estimated by him.

7. Destruction of fish by explosives in inland waters and on coasts.— (1) If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to [2][two thousand rupees,] or with both.

(2) In sub-section (1) the word "water" includes the sea within a distance of one maritime league of the sea coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

8. Destruction of fish by poisoning waters.— (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to [2][two thousand rupees,] or with both.

(2) The Government may by notification in the Gazette, suspend the operation of this section in any specified area and may, in like manner, modify or cancel any such notification.

9. Grant of license.— The Government may from time to time, make rules to determine

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2. Substituted by Act 16 of 2000.

the officers by whom, the form in which and the terms and conditions subject to which any license shall be granted [3][by a Local authority.]

10. Cancellation of license.— Subject to any rule made in this behalf by the Government, any license may be cancelled or suspended by the authority competent to issue the license-

(a) When any of the terms or conditions of the license has been infringed, or

(b) When the holder or any of the holders has been convicted of an offence against the provisions of this Act.

11. Period of and fees for license.— Every license granted under this Act shall, unless otherwise provided for in the rules be transferable and may be granted and renewed for any period not exceeding one year, subject to the payment of such fee and on such conditions as may be fixed by rules made by the Government from time to time:

[4][Provided that the Government or the local authority may, in the interests of scientific research, exempt any person from taking out a licence under this Act:]

Provided further that the provisions of this section shall not apply to fishing stakes and China nets.

12. Duty of license holders to produce license.— Every holder of a license granted under this Act shall be bound to produce such license for inspection at any time on being required to do so by any Magistrate, or by any Police Officer, or any other person authorised in this behalf, by name or in virtue of his office, by the [4][Government or local authority.]

13. Subsequent convictions for offences under the Act.— Whoever, having been already convicted of an offence under this Act, is again convicted thereunder, shall, on every subsequent conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

14. Confiscation.— When any person is convicted of an offence punishable under this Act the convicting Magistrate may direct that any fish in respect of which the offence has been committed or the flesh or any part of such fish, together with the instruments, if any, with which the offence was committed, shall be confiscated.

15. Presumption of commission of certain offences.— Where any person is found carrying any fish recently captured or killed, together with any instruments with which such fish could be so captured or killed, the Court shall presume that he has captured or killed, such fish with such instrument.

16. Duty of Court as regards cancellation of license.— When the holder of a license granted under this Act has been convicted of an offence thereunder, the convicting Court shall send a copy of its judgement together with the license (if before the Court) to the nearest authority empowered to cancel the license under this Act, for such action as such authority may deem fit.

17. Power of seizure when offence committed in presence of certain Officers and persons.— Where any person commits an offence against the provisions of this Act in the presence of a Police Officer, or of any other person authorised in this behalf by name or in virtue of his office by the [5][Government or local authority], such officer or person may seize the fish, if any, captured or killed and also any instrument used in the commission of such offence, and shall send them without unnecessary delay, together with a report of the circumstances, to a Magistrate competent to take cognizance of the alleged offence.

18. Power of Government to make rules.— The Government may by notification in the Gazette, make rules to carry out the purposes of this Act and to provide for appeals [6][to the local authority] from orders made under this Act by any person other than a Magistrate, and such rules, when so published, shall have the force of law.

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3. Added by Act 16 of 2000.
4. Substituted by ibid.
5. Substituted by Act 16 of 2000.
6. Inserted by ibid.

19. (1) Whenever it appears that adequate arrangements have been made by any club or association for preserving and protecting in any water any non-indigenous variety of fish specified by the Government by notification in the Gazette, the Government may by order in writing concede to such club or association the exclusive right of taking such fish in such water within such limits and for such period and subject to such conditions as the Government may deem fit.

(2) Any club or association to which such right has been conceded may, subject to the approval of the Government, make rules for the protection and preservation of the fish to which the concession applies, and for regulating the manner in which they may be taken. Such rules when approved by the Government shall be published in the Gazette.

(3) In particular, and without prejudice to the generality of the power conferred by the last preceding sub-section, such rules may–

(a) Provide for the issue of licenses by the club or association (either in addition to or in substitution for the licenses prescribed by section (9) enabling the licensees to fish for and take the fish to which the concession applies subject to the rules of the club or association;

(b) prescribe the fees chargeable on the issue of such licenses;

(c) Provide for the application of such fees; and .

(d) Prescribe a close season for the fish with regard to which the concession was given.

20. Fishing without license in conceded waters.— Any person who fishes or takes, or attempts to take, any fish for the taking of which a license is required by rules made under section 19 without such license, or during the close season prescribed by such rules, or in contravention of any of such rules, shall be liable to the punishment prescribed by Section 6.

21. Power to arrest.— Any Police Officer or other person specially empowered by the Government in this behalf may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act or of any rule made thereunder, if the name and address of such person be unknown to him and if such person, declines to give his name and address or if the Police-Officer or any person empowered as aforesaid shall have reason to doubt the accuracy of such name or address, if given, such person may, subject to the Code of Criminal Procedure or the time being in force, be detained at the Station house until his name and address shall be correctly ascertained.

22. Prohibition against attracting prawns into private waters except under a license.— (1) Notwithstanding Anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person except under a license, and in accordance with the terms and conditions, if any, prescribed by rules made under this section, to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of section 4 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any other means whatsoever.

(2) Any person contravening the provisions of sub-section (1) shall on conviction, be liable to a fine not exceeding two hundred rupees.

(3) The Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a license may be issued.

(4) Fee at such rates as may be fixed by the Government by rules made under sub-section (3) shall be paid in respect of every license issued under sub-section (1):

Provided that the fee payable for any such license shall not exceed sum calculated [7][at rupees one hundred and twentyfive per hectare] of the Private waters into which prawns are attracted or caused or allowed to migrate.

(5) The breach of any rule made under sub-section (3) or of the conditions of any licence

issued under sub-section (1), shall be punishable with fine which may extend to [7][five hundred rupees.]

23. Power to apply provisions of the Act to shells of fish.— The Government may, by notification in the Gazette, apply the provisions of this Act to shells of fish, if, in their opinion, it is desirable to prohibit or regulate the collection of the same from any water.

Explanation:– For purposes of this section, the word 'water' includes the sea within a distance of one marine league of the sea coast.

[8][**23A. Recovery of rents, fees etc. on account of fishing leases and licenses.**— All rents, fees and other moneys payable to local authority on account of fishing leases and licenses granted by it shall be recovered in like manner as if they were arrears of land revenue.]

24. Repeal.— The Travancore Fisheries Act, XI of 1097 and the Cochin Fisheries Act, III of 1092 are hereby repealed:

Provided that all licenses granted under the said Acts shall continue in force for the periods for which the same have been granted subject to the provisions of the said Acts.

*THE TRAVANCORE-COCHIN FISHERIES RULES, 1952

Rules regulating fishing in the Kundale lake in Sethuparvathipuram reservoir.

In exercise of the powers conferred by section 4(1) and Section 18 of the Travancore-Cochin Fisheries Act, 1950 (XXIV of 1950) Government are pleased to make the following rules regulating the fishing in the Kundale lake in Sethuparvathipuram Reservoirs-

1. The Executive Engineer, Generation Division, Chitirapuram, under whose control the Kundale Dam works are placed, may grant permission to applicants for fishing in the Kundale lake or may cancel the permission given to anybody for fishing in the said lake.

2. Any visitor, bonafied tourist and staff members of any company operating in the Devicolam taluk may apply for permission to fish in the taluk. No person without permission shall fish in the lake.

3. Fishing shall be with rod and line only. Normally this should be with the artificial fly on a single hook but trolling and spinning the artificial minnow may be permitted. No netting or any other form of fishing shall be allowed.

4. Six rods will be allowed for fishing at any one time.

5. All fish retained must be killed at the waterside.

6. Boats required for the purpose will ordinarily have to be provided at fisher's own cost. The Electricity Department's boats, if any available, will be give on hire at the rates fixed from time to time.

7. Fishing boats shall not be permitted to go within 100 ft. distance of the Dam itself.

8. Three water wardens will be appointed to ensure that the rules are strictly adhered to. For the present, they shall be (1) the Executive Engineer, Generation Division, Chitirapuram, (2) the Chairman of the High Range Angling Association, and (3) the Manager of the Yellappatty or Chittavurrai Estate as nominated by the General Manager of the K.D.H.P.Co., Ltd.

9. A fishing permit will be given to every person who has been permitted to fish in the locality by the Executive Engineer. Generation Division, on application, or by the General Manager of the K.D.H.P.Co., Ltd. or by the Chairman of the High Range Angling Association. A statement of the

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7. Substituted by Act 16 of 2000.
8. Inserted by Act 16 of 2000.

permits issued and fees collected by the latter two shall be sent to the Executive Engineer, General Division, every month. The Executive Engineer will be at liberty to refuse permission to any person without assigning reasons therefor.

10. The number of fish caught and their weight shall be notified to the Officer-in-charge, Kundadale Dam, at least once a month. Members introducing visitors are responsible for submitting their returns.

11. Permission of the water warden should be asked for before fishing in the water to avoid over-crowding and disappointment. Any person who has not conformed to this rule must give may to another who has done so if the occasion arises.

12. The normal fee for fishing in the lake shall be Rupee.1 per person per day payable in advance. An annual membership for fishing also could be obtained on payment of a fee of Rs.30. Permission on a block membership basis shall be given to the High Range Angling Association or such other recognised Associations, on payment of an annual fee of Rupees. 120 provided not more then four members shall fish at a time in the lake.

13. The amounts collected by way of subscriptions etc., shall be credited to Miscellaneous Revenue of the Electricity Department.

Rules prohibiting the Use of Kochumattu.

Notification No.Fd.13/7678/54/Fd.D. dated 5th April 1955, published in the Gazette dated 5-4-1955, part I Page 451.

In exercise of the powers conferred by Section 4 of the Travancore-Cochin Fisheries Act, 1950 (XXXIV of 1950) Government hereby make the following rules namely:-

Fishing by using 'Kochumattu' or otherwise known as Ayiremchoonda in the waters within a distance of 1 mile from the seashore is strictly prohibited.

Rules Prohibiting Use of Paithuvala

Notification No.Fd.13/6092/53/Fd.D.dated 5th April 1955, published in the Gazette dated 5-4-1955, Part I Page 451.

In exercise of the powers conferred by section 4 of the Travancore-Cochin Fisheries Act, 1950 (XXXIV of 1950) Government hereby make the following rules namely:-

Fishing by using 'Paithuvala' in the backwater within 15 chains on both sides of Vendaruthy Rail Road Bridge and Palluruthy Road Bridge is strictly prohibited.

Rules prohibiting the use of "Othukkuvala"

Notification No.Fd.13/8120/54/Fd.D. dated 31st May 1955, Published in the Gazette dated 7th June 1955, Part I Page 658.

In exercise of the powers conferred by section 4 of the Travancore-Cochin Fisheries Act, 1950 (XXXIV of 1950) Government hereby make the following rule, namely:-

Fishing by the use of "Othukkuvala" with padals in the State waters is strictly prohibited, [1]["except as hereinafter provided": -

Fishing by the use of Othukuvala with padals not exceeding 30 feet in circumference is allowed within a distance of 75 feet from the shore in the areas of the Ashtamudi backwaters specified below.

Those who desire to fit with Othukuvala shall appear in person before the office of the Inspector of Fisheries, Quilon and take a license in which the place and other restrictions for the operation of nets will be specified. They shall also record a statement of consent before the Inspector or Sub-Inspector of Fisheries concerned to abide by the conditions specified in the licence.

Areas where operation of Othukuvala is permitted.

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1. Added by Notification No.R.Dis 3698/55/Fd dt. 24-11-1956 published in Kerala Gazette dt. 4-12-1956.

From the eastern side of the two railway bridges now under construction up to Kaithakote along the northern side of the shores of Perumon, Chemmakad, Veliman, Cherumoottu etc., from Karikuzhi to Kuthiramunambu along the southern side of Patappakara and from Kuthiramunambu to east up to southern side of Patappakara and from Karikuzhi to Kuthiramunambu along up to Kumbalam, Pallikadavu along the northern side of Patappukara, within 75 feet from the shore.

Note:- Peyamthuruthu situated in the midst of the backwaters and from where mud is now removed for the construction of railway bridges will not be considered as a shore in calculating the distance from the land and operating the nets for the purpose of the notification.]

Rules prohibiting Fishing by using Larger Type of Nets like "Atakamkolli Peruvala" Etc.

Notification No.D.Dis.6153/55/Fd.D. dated 6th January 1956, published in the Gazette dated 10th January 1956, Part I page 24.

In exercise of the powers conferred by section 4 of the Travancore-Cochin Fisheries Act, 1950 (XXXIV of 1950) Government hereby make the following rule namely:-

Fishing by using larger type of nets like "Atakamkolli, Peruvala and Neriyavala" is prohibited in canals, the width of which is less than [2][fifty (50)] chains.

Rules specifying that Fishing shall not be permitted in Reservoirs of irrigation Projects Except under a License.

Notification No.16739/57/PW (IR2) dated 18th March 1958 published in the Gazette dated 25th March 1958 Part I, page 904.

In exercise of the powers conferred by section 4 of the Travancore-Cochin Fisheries Act, 1950 (Act XXXIV of 1950), the Government of Kerala hereby make the following rule, namely:-

Rule

"Fishing shall not be permitted in the water Reservoirs of the Irrigation Projects except under a license granted by the Government and in accordance with such terms and conditions as may be specified therein."

Specifying that rule under No.IR2-16739/57/PW dated 18-3-1958 shall apply to the reservoir of Peechi irrigation project.

Notification No. 16739/51/PW (IR2), dated 18th March 1950 published in the Gazette dated 25th March 1958 Part I, page 901.

Under section 4(1) of the Travancore-Cochin Fisheries Act, 1950 (Act XXXIV of 1950) the rule issued under Notification No.IR2-16739/57/PW dated 18/3/1958 shall apply to the waters specified below:

"Reservoir of Peechi Irrigation Project".

Notification

Notification No.6637/57-3/Agri.(Ag.C.4) dated 11th April 1958 published in the Gazette dated 22nd April 1958 Part I page 1236.

Under section 4(1) of the Travancore-Cochin Fisheries Act 1950 (XXXIV of 1950) the Government of Kerala hereby order that the rule issued under Notification No.D.Dis.6153/55/FD.D dated 6th January 1956 shall apply to all canals and other poramboke waters not being private waters in the erstwhile Travancore-Cochin State.

Notification No.40980/F 1.2/65/Agri.Dated, 23rd September 1965 published in Kerala Gazette dated 12/10/1966.

In exercise of the powers conferred by sub-section (1) of section 3 of the Travancore-Cochin Fisheries Act, 1950 (Act XXXIV of 1950) the Government of Kerala hereby declare the period from 15th October to 14th December in each year as a close time for fishing of giant fresh water and Back water prawns (Palaemon species) known as "കോട്ടയം കൊഞ്ച്" or "മേപ്രാൽ കൊഞ്ച്" in all backwater rivers and poramboke waters of the State.

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2. Substitued by Notification No.6637/572/Agricultural dt. 11-4-1958 published in Kerala Gazette dt. 22-4-1958.

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*THE TRAVANCORE - COCHIN PUBLIC HEALTH ACT, 1955

(Act XVI of 1955)

Amended by Acts 7 of 1980 and 16 of 2000

An Act to make provision for advancing the public health of the State of Travancore-Cochin.

Preamble.— Whereas it is expedient to make provision for advancing the public health of the State of Travancore-Cochin;

Be it enacted in the Sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called The Travancore-Cochin Public Health Act, 1955.

(2) It extends to the whole of the [1][State of Kerala, excluding the Malabar District].

(3) It shall come into force on such date as the Government may, by notification in the Gazette appoint.**

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(1) "Building" includes-

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include temporary sheds put up on festive occasions;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other such structure used for human habitation;

(2) "Canal" includes any river, inland navigation, lake or water-way being within or bordering the State, whether it is or is not within the ebb and flow of the tide;

(3) "Canal boat" means any vessel however propelled which is used or capable of being used for the conveyance of goods or passengers along a canal;

(4) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young one of these species;

(5) "Dairy" includes—

(a) any farm, cattle-shed, milk-store, milk-shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale, or manufactured for sale into butter, ghee, cheese, cream, curds, butter-milk or dried, sterilized or condensed milk, and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include—

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* Published in Gazette of Travancore-Cochin No. 25 dt. 21-6-1955.

1. Substituted for the words "State of Travancore-Cochin" by the Kerala Adaptation of Laws Order, 1956.

** Came into force on 2-10-1955. (*See Notification HL. 6-21703/55/DD dt. 16-11-1955 in Gazette of T.C. No. 46 dated 22nd November, 1955.*)

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place in which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place;

(6) "Dairyman" includes any person who sells milk whether wholesale or by retail;

[2][(6A) x x x x]

(7) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sewage, offensive matter, polluted water, rain water, or sub-soil water;

(8) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine;

(9) "Dwelling House" means a building constructed, used or adapted to be used wholly or principally, for human habitation or in connection therewith;

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

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

(12) "Factory" means any premises, including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(13) "Filth" means-

(a) nightsoil and other contents of latrines, cess-pools and drains;

(b) dung and the refuse or the useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid and putrefying substances;

(14) "Food" includes every article consumed or used by man for food, drink or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments;

(15) "Health Officer" means the Health Officer, if any, employed by the local authority concerned and in any other cases the officer appointed or authorised by the Government to exercise the powers and discharge the duties of a Health Officer;

(16) "House-drain" means any drain actually used or intended to be used, for the drainage of one or more premises;

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2. Clause 6A omitted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
3. Clause 10 substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(10) 'Executive Authority' means the Commissioner, Chairman, President or other functionary of the local authority concerned, who is vested with general executive powers under the Trivandrum City Municipal Act, or the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113 or the Travancore-Cochin Panchayats Act, 1950, or the local Tahsildar, as the case may be;"
4. Clause (11) substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(11) Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the area for which such authority is constituted under the Trivandrum City Municipal Act, or the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113 or the Travancore-Cochin Panchayats Act, 1950, or any officer subordinate to the local Tahsildar, as the case may be;"

(17) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch or metallic sheets and includes any temporary structure of whatever size or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act;

(18) "Infectious disease" means an infectious disease as defined in section 50 and includes a notified disease and defined in section 60, and leprosy as defined in section 79;

(19) "Latrine" includes privy, water-closet and urinal, whether public or private or whether open or flush-out;

(20) "Local area" means the area within the jurisdiction of a local authority;

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

(22) "Lodging house" means a hotel, a boarding house, a choultry, a dharmasala or a rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where, on payment, casual visitors are received and provided with sleeping accommodating, with or without food, but does not include—

(a) a student's hostel under public or recognised control; or

(b) a house licensed under section 129 for accommodation of visitors to a fair or festival; or

(c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both;

(23) "Magistrate" does not include an Honorary Magistrate;

(24) "Medical Practitioner" means a practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953 or who has got any medical qualification recognised by the Government;

(25) "Milk" means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk or any other product of milk;

(26) "Notification" means a notification in the Gazette;

(27) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right;

(28) "Occupier" includes—

(a) any person for the time being paying liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant;

(29) "Offensive matter" includes -

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5. Clause 21 substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(21) 'Local authority' means–
(a) in the City of Trivandrum, the Corporation of Trivandrum;
(b) in any other municipal area, the municipal council concerned;
(c) in any panchayat area, the panchayat concerned;
(d) in any other area, the authority appointed by the Government for the purposes of this Act, or, where there is no such authority appointed by the Government, the local Tahsildar;

(a) filth as defined in clause (13); and

(b) sewage as defined in clause (35), and

(c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris, ashes, rags and waste paper;

(30) "Offensive trade" means any trade in which the substances dealt with are or are likely to become a nuisance;

(31) "Owner" includes the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(32) "Prescribed" means prescribed by the Government by rules made under this Act;

(33) "Private street" means any street, road, square, court, alley, lane, passage or riding-path, which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(34) "Public street" means any street, road, square, court, alley, lane, passage or riding-path, whether a thoroughfare or not, over which the public have a right of way and includes -

(a) the roadway over any public bridge or cause way;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or cause way and the land whether covered or not by any pavement, verandah or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government;

(35) "Sewage" means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds;

(36) "Street" means a public or a private street;

(37) "Urban local area" means the area within the jurisdiction of an urban local authority;

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

(39) "Venereal disease" means syphilis, gonorrhoea, soft chancre, venereal granuloma, orlympho-granuloma;

(40) "Water-course" includes any river, stream or channel, whether natural or artificial, other than a drain;

(41) "Wharf" means a landing place specially set apart for purposes of loading and unloading goods or entry and exit of passengers;

(42) "Workplace" means any premises including the precincts thereof (not being a factory or a workshop), where in is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration;

(43) "Workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

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6. Clause 38 substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
(38) "urban local authority" means–
(a) the Corporation of Trivandrum
(b) a Municipal Council, and
(c) an authority notified by the Government as an urban local authority for the purposes of this Act, so long as the notification remains in force;

CHAPTER II

Controlling Authorities and their Powers

3. Appointment of [7][Director of Health Services] and Health Officers.— For the purpose of giving effect to the provisions of this Act, the Government may, from time to time, appoint a [7][Director of Health Services] and subject to the provisions hereinafter contained appoint Health Officers for all or any of the purposes of this Act.

4. Powers of the Government and of the [7][Director of Health Services].—(1) The Government shall have power to inspect, control, and superintend the operations of local authorities under this Act.

(2) The Government may from time to time, define the powers to be exercised, and the duties to be performed by the [7][Director of Health Services] or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the Collectors or the [7][Director of Health Services] under any other law for the time being in force.

5. Powers of the [7][Director of Health Services] to advice local authorities.— The [7][Director of Health Services] from time to time, as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the Public Health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

6. Public Health staff in local areas.— (1) The public health establishment of every local authority shall be of such strength as the Government may, from time to time, direct.

(2) The Government may, from time to time, make regulations prescribing the qualifications for appointment to the various posts in the public health establishment of local authorities.

[8][**7. Appointment or nomination of Health Officer.**— (1) Every village Panchayat and Municipality shall have a Health Officer;

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

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

8. Appointment of temporary Health Officers in emergencies.— (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the Government may, by order, appoint temporarily for such period as may be specified therein one or more additional Health Officers for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of and preventing such mortality, as the case may be.

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7. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
8. Substituted by Kerala Decentralisation of Powers Act, 2000, Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"Appointment of the Health Officer.– (1) an urban local authority may, and if so required by the Government shall, appoint a Health Officer.
(2) If an urban local authority fails to appoint a Health Officer in accordance with a direction issued under sub-section (1), the Government shall appoint such officer and may recover from such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and provident fund as the Government may by general or special order, determine."

(2) For the purpose of sub-section (1), the Government may appoint any qualified medical practitioner either on an honorary basis or on such salary or allowances or both as the Government may fix.

9. Delegation of powers of Health Officer.— The Government may, by general or special order, authorise any officer of the Government or of a local authority to exercise such of the powers of a Health Officer under this Act in such area and subject to such restrictions, limitations and conditions and to such control and revision as may be specified in such order.

10. Appointment of persons to carry out the provisions of this Act.— (1) Notwithstanding anything contained in this Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, in such local areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, if any, either wholly or in part, and, where more than one local authority is concerned, in such proportions as may be determined by the Government.

11. Powers of the [9][Director of Health Services] over public health staff of urban local authorities.— (1) Subject to such rules as may be prescribed including rules for consultation with the urban local authorities concerned, the [9][Director of Health Services] shall have power in times of emergency, to assign one or more members of the public health establishment of one urban local authority for temporary duty in the area of another urban local authority.

(2) In the case referred to in sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards the leave allowances, pension and provident fund as the Government may, by general or special order, determine.

12. Health Officer's control over public health staff.— (1) The Health Officer in charge of any local area shall exercise supervision and control over all the members of the public health establishment in such area.

(2)(a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

13. Local authority to provide adequate facilities to the Health Officer.— Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may be necessary for the proper conduct of the business of such Health Officer.

14. Authorisation of Health Officer to perform the functions of executive authority in public health matters.— Notwithstanding anything contained in the Trivandrum City Municipal Act, or the Travancore District Municipalities Act, 1116 or the Travancore-Cochin Panchayats Act, 1950, or the Cochin Municipal Act, XVIII of 1113, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order determine.

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9. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

[10][14A. **Local authority to manage health institutions.**— (1) The local authority shall manage health institutions transferred to it by Government.

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

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

CHAPTER III

Water Supply

15. Local authority to provide potable water.— (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, so far as may be practicable, make adequate provision for securing—

(a) that the water-supply is continuous throughout the year, and

(b) that the water supplied is at all times whole some and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non domestic purposes.

16. Power of Government to direct local authority to execute water works.— (1) If, in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighborhood which are similarly situated, to execute, within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government—

(a) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works within the limits of its area, for supplying such area with water;

(b) purchase or take on lease any water-work or any water, or any right to store or to take or convey water, either within, or without the limits of its area; and

(c) contract with any local authority or to other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply, whether within or without the limits of its area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes, and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

17. Power of Government to divert water from water-main belonging to local authority.— The Government shall have power to take water from any water-main belonging to or in the control of a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Provided that, before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal and consider its explanations or objections, if any.

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10. Section 14A inserted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

18. Power of [11][Director of Health Services] in regard to water-supply.— (1) [11][Director of Health Services] or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining:—

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken; and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The [12][Director of Health Services] or other officer aforesaid may, after taking into consideration the result of such enquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided that, before issuing a notice under this sub-section, the [12][Director of Health Services] or other officer shall give the authorities or persons affected a reasonable opportunity to make any representation they may wish to make and consider the same.

(3) Against any direction issued by the [12][Director of Health Services] or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4)(a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either—

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owing or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6)(a) If a water tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the area who, on enquiry, are found to be benefitted by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

Explanation.— For the purposes of this sub-section "water-tax" means –

(a) a tax levied under section 23 of this Act; and

(b) a water and drainage tax levied under section 80 of the Travancore District Municipalities Act, 1116 or section 74 of the Cochin Municipal Act, XVIII of 1113 or section 95 of the Trivandrum City Municipal Act.

19. Power of [13][Director of Health Services] to direct local authority to improve water-supply.— (1) If the [13][Director of Health Services] is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or

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11. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
12. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
13. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

maintenance, and speedy remedy or immediate prevention is, in his opinion desirable, he may, by order, direct the local authority: to take such measures as may be specified therein and the local authority shall take action accordingly.

(2) If the local authority fails or makes default in taking the measures specified in the order issued under sub-section (1) within the time specified therein, the [13][Director of Health Services] shall report the mater to the Government. Thereupon the Government may authorise such officer as they deem fit to take such measures and for that purpose to exercise any specified powers of the local authority; and the expenses incurred by such officer shall be met from the funds of the local authority.

20. Railway administration to submit samples of drinking water for analysis.— In the case of any Railway in the State, the Government may, by general or special order, require the authority administering the Railway to submit for analysis to such person or institution, in such manner, and at such intervals as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such Railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

21. Rules for the protection and periodical examination of water-supply.— The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the State.

22. Health Officer's powers in regard to in sanitary sources.— (1) The Health Officer may, at any time, by notice, require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than three days from the receipt thereof —

(a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(b) cleanse any such source of water-supply from silt, refuse and vegetation; or

(c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(d) fill in, repair, protect or enclose in such manner as the Health Officer may direct any such source of water-supply if for want of sufficient repair, protection or enclosure, such source of water-supply is, in his opinion, dangerous to the health or safety of the public or of any person having occasion to use or to pass or approach the same; or

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(f) close any such of water-supply either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighborhood:

Provided that the provisions of Clauses (a) and (d) shall not apply to a stream:

Provided further that notice shall not be issued under clause (f) unless a notice has first been issued under Clause (e) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under Clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once

proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over, such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

23. Levy of water-tax and ear-marking the proceeds for water-works.— (1) Any local authority may, with the previous sanction of the Government and shall, if so directed by them, levy within its area or any part thereof any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis, assessed and realised in such manner as may be sanctioned or directed by the Government or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned in which case all the provisions of such law relating to the incidence, assessment or realisation of a tax under such head or in any manner connected therewith shall be applicable to the tax, or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3)(a) The rate at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion and by the Government in case the tax is levied at their direction.

(b) The local authority may, with the previous sanction of the Government and shall if so directed by them, alter the rates at which any such tax is to be levied.

(4)(a) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water supply, in the local area or part thereof within which it is levied.

(b) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of the Corporation of Trivandrum to levy a water and drainage tax under section 95 of the Trivandrum City Municipal Act, or of any municipality governed by the Travancore District Municipalities Act, 1116, to levy water and drainage tax under section 80 of that Act, or of any municipality governed by the Cochin Municipal Act, XVIII of 1113 to levy a water and drainage tax under section 74 of that Act.[14]

24. New house not to be occupied without adequate water supply.— No owner of any dwelling house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it or cause or permit it to be occupied until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Health or Sanitary Inspector, that there is within the house or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house:

Provided however that if an application has been made for a certificate and that no such certificate has been granted within a period of ten days, the owner may occupy the building or cause or permit it to be occupied.

CHAPTER IV

Drainage

25. Local authority to maintain public drains.— (1) Every urban local authority shall, so

14. See the corresponding provisions of Kerala Municipalities Act and Municipal Corporations Act.

far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains, or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such words as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cesspools and the like vested in or belonging to it.

26. Power of Health Officer to require drains to be constructed.— (1) If any premises are, in the opinion of the Health Officer, without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the focal authority for the discharge of sewage:

Provided that–

(a) the cost of constructing that portion of the drain which if situated more than ten feet from the said premises shall be paid from out of the funds of the local authority concerned, and

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct-

(i) a closed cesspool, tank, filter or other work of such material, size and description, as he may direct, and

(ii) a house drain communicating with such closed cesspool, tank, filter or other work.

(2) Where, by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority, and partly by the owner, in accordance with such rules as may be prescribed.

27. Drains in private streets.— Where a house drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first mentioned drain and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made—

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned, or

(b) in default of such agreement, except upon such terms as may be laid by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned has been duly made.

28. Drainage for huts.— (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such materials as may be considered by the Health Officer to be practicable having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

29. Drainage of court-yard, alley, passage, etc.— For the purpose of efficiently draining any land or building, the Health Officer may, by notice, require the owner of any court-yard, alley, lane, passage or open space–

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair, or

(b) to raise the level of such court-yard, alley, lane, passage or open space.

Explanation.— It shall be open to the Health Officer to require that in any case both the measures specified in Clauses (a) and (b) of this section shall be taken.

30. Construction and closure of cesspool.— (1) No person shall construct a cess-pool—

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

31. Prohibition of occupation of new building without drains.— No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage:

Provided however that if an application has been made for a certificate and that no such certificate has been granted within a period of ten days, the owner may occupy the building or cause or permit it to be occupied.

32. Sullage or sewage not to be let out into streets.— No person having control over any building or land shall cause or allow—

(a) the water of any sink, sewer, latrine or sanitary convenience or any other liquid or other matter which is or is likely to become offensive, to run or drain into or to be thrown or put upon any street or open space or to soak through any external wall, or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

33. Injurious refuse not to be discharged into public drain.— No person shall, save as may be generally or specially prescribed, throw, empty or turn, or suffer or permit to be thrown, emptied or turned, or to pass, into any public drain, or into any drain communicating with a public drain—

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or steam or other liquid which is, either alone or in common with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

34. Pollution of water-courses prohibited.— No person shall, save as may be generally or specially prescribed—

(1) put or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course-

(a) any solid or liquid sewage matter; or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put or cause to be put, or cause to fall or be carried or knowingly permit to be put or to fall or be carried, into any water-course so as, either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to

pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry or any rubbish or cinders or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighborhood of any water-course.

CHAPTER V

Sanitary Conveniences

35. Obligation of local authority to provide public sanitary conveniences.— Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

36. New houses to be provided with sanitary conveniences.— If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

37. Additional sanitary conveniences.— (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of persons occupying the building or are insufficient, or are objectionable on sanitary grounds he may, by notice, require the owner of such building–

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may by notice require, for the use of the inhabitants of such group of huts.

38. Mode of construction of latrines.— (1) All latrines shall–

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighborhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connection therewith.

CHAPTER VI

Abatement of nuisances

39. Certain things to be nuisances.— Without prejudice to the generality of the definition of the expression "nuisance" contained in Clause (27) of Section 2, the following shall be deemed specially to be nuisances for the purposes of this Chapter:–

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-through, latrine, cesspool, drain or ash-pit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit or refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory (not being a factory governed by the provisions of the Factories Act, 1948), workshop or workplace, which is not provided with sufficient means of ventilation or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia or which is so overcrowded while work is carried on as to be prejudicial to the health of those employed therein:

(6) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gaswork or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantities as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is nuisance to the neighborhood.

40. Detection of nuisance.— Every local authority shall—

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for abatement under the powers conferred on such authority by this Act; and

(b) enforce the provisions of this Act in order to abate such nuisances.

41. Information regarding nuisance.— Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

42. Power of Health Officer to abate nuisance.— If the Health Officer is satisfied, whether upon information given under section 41 or otherwise, of the existence of a nuisance he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues or if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that—

(a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

43. Power of local authority to abate nuisance.— If the person on whom notice to abate a nuisance has been served under section 42 makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time, is in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

44. Provision regarding house rendered unfit for occupation by reason of nuisance.— Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a Magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

45. Disposal of articles removed while abating nuisance.— (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter of otherwise carrying into effect, the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale proceeds to the person to whom the materials belonged after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

46. Powers of entry and inspection.— The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Health or Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that—

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours' previous notice of the intention to make such entry;

(c) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to woman to withdraw to some part of the premises where their privacy may be preserved; and

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

47. Power of Government in case of default by local authority.— If the local authority or its Health Officer makes default in doing its or his duty under this Act, in regard to the abatement or prevention of nuisances, the Government may authorise any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

48. Nuisance caused by act of omission outside local area.— If a nuisance under this Act within or affecting any part of a local area appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may, after consulting the [15] [Director of Health Services] take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisance authorised by this Act in the like cases and with like incidents and consequences as if the act or default were committed or took place wholly within such local area.

49. Prohibition of the deposit of rubbish etc., in street etc.— (1) No person shall deposit or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthernware or other rubbish, or any other thing which is or may be a nuisance, in any street or any drain beside a street or on any space (not being private property) or on any quay, jetty or landing place, wharf or on any part of the seashore, or on the bank of any water-course, except in such receptacles as may be provided or at such place, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or house-hold to ease himself in any such street, drain, open space, quay, jetty, landing place, wharf, seashore or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

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15. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

CHAPTER VII

Prevention, Notification and Treatment of Diseases

Part I - Infectious diseases in General

50. Infectious diseases.— For the purpose of this part "infectious disease" means-

(a) acute influenza pneumonia
(b) anthrax
(c) cerebro-spinal fever
(d) chikenpox
(e) cholera,
(f) diphtheria
(g) dysentery
(h) enteric fever
(i) malaria
(j) measles
(k) mumps
(l) opthalmia
(m) plague
(n) poliomyelitis
(o) rabies
(p) relapsing fever
(q) small-pox
(r) tuberculosis (infective types,)
(s) typhus
(t) whooping cough
(u) yaws, or
(v) any other disease which the Government may, from time to time, by notification, declare to be an infectious disease either generally throughout the State or in such part or parts thereof as may be specified in the notification.

51. Appointment of additional Health Staff.— (1) In the event of the prevalence or threatened out, break of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred the [16][Director of Health Services], whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

52. Provision and maintenance of isolation hospitals and wards.— (1)(a) The local authority may, and if so required by the Government shall, provide, or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons, a local authority may—

(i) itself build such hospitals, wards, or place of reception; or

(ii) contract for the use of any such hospital or part of a hospital or place of reception; or

(iii) enter into an agreement with any person having the management of any such hospital for the reception and treatment therein of persons suffering from infectious diseases.

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

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16. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places or reception in question are maintained in accordance with such general or special orders as may, from time to time, be issued by the [16][Director of Health Services].

53. Provision of ambulances, etc.— A local authority may, and if so required by the [16][Director of Health Services], shall–

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of person suffering from any infectious disease; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection:

and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may, cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

54. Medical practitioner to give information of certain infectious diseases.— Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of any infectious disease referred to in section 50 in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information in writing of the same with the least practicable delay–

(a) in urban local areas, to the executive authority, the Health Officer or a Sanitary Inspector; and

(b) in other areas, to the Health Officer or a Health or Sanitary Inspector.

55. Prohibition of the use of water from suspected source.— (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water, generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued, in contravention of the terms thereof.

56. Removal of infected person to hospital.— (1) If the Health Officer is satisfied that any person is suffering from an infectious disease, and that such person-

(a)(i) is without proper lodging or accommodation, or

(ii) is lodged in a place occupied by more than one family, or

(iii) is without medical supervision directed to the prevention of the spread of the disease, or

(iv) is in a place where his presence is a danger to the people in the neighborhood; and

(b) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment after taking all reasonable precautions to ensure the safety of the patient in transit,

the Health officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman, according to custom, does not appear in public, is removed to any such hospital or place -

(i) the removal shall be effected in such way as to preserve her privacy; and

(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place at the expense of the local authority.

(3) No person shall leave, or be taken away from any hospital or other place referred to in sub-section (1) without the permission of the Medical Officer in charge or of the Health Officer.

(4) whoever—

(a) obstructs the removal of any person to any hospital or other place under sub-section (1); or

(b) leaves or takes away any person from any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment which may extend to three months, or with fine not exceeding one hundred rupees or with both.

57. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in–

(a) any market, theatre or other place of entertainment or assembly, or

(b) any school, college, play ground or such other place, or

(c) any hostel, hotel, boarding house, choultry, rest-house or club, or

(d) any factory or shop, or

(e) any public conveyance, or

(f) any public bathing place, or

(g) any other place of public resort.

Explanation.— A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or a local authority, not below the rank of Health or Sanitary Inspector or a medical practitioner, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

58. Infected persons not to engage in certain trades and occupations.— No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease—

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

(b) engage in any other occupation in a manner likely to carry infection to others without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

59. Prevention of infectious disease transmissible from animals.— If in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommended to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

PART II

Notified Infectious Diseases

60. Notified diseases.— In this, part, "notified diseases" means–

(a) anthrax,	(b) chickenpox,	(c) cholera,
(d) diphtheria,	(e) enteric fever,	(f) malaria,
(g) measles,	(h) mumps,	(i) plague,
(j) rabies,	(k) small-pox,	(i) tuberculosis [infective types,]

(m) whooping cough, and

(n) any other disease which the Government may, from time to time, by notification, declare to be a notified disease for the purpose of this Part either generally throughout the State or in such part or parts thereof as may be specified in the notification.

61. Occupation of houses to prevent the spread of infection.— (1) The Health Officer may, in case of emergency, with the sanction of the Collector, enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act for the time being in force, any building or place which, in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such building or place, not less than forty-eight hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Collector.

(3) The compensation fixed under sub-section (2) shall be paid by the local authority concerned.

(4) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

62. Information regarding notified diseases.— Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease, shall, if the case has not been already reported, give information of the same with the least practicable delay—

(a) in urban local areas, to the executive authority, the Health Officer or a Sanitary Inspector; and

(b) in other areas, to the Health Officer, a Health or Sanitary Inspector, Sanitary Assistant or Conservancy Overseer.

63. Power of entry of local officers to take preventive measures.— (1) The Health Officer or an officer not below the rank of a Sanitary Inspector authorised by him in this behalf may—

(a) at all reasonable hours, inspect with or without assistance any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases including dwelling houses, and

(b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may in any local area be exercised also by the executive authority or an officer not below the rank of Sanitary Inspector authorised by such authority.

64. Destruction of hut or shed to prevent spread of infection.— (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable shall be paid within thirty days to any person who sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1) but, save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

65. Closure of lodging houses.— If, on the application of the Health Officer, a Magistrate (not being a Magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

66. Infected cloth not to be sent to laundry.— No person shall–

(1) sent or take to any laundry or public wash house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleansed, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by or to the satisfaction of the Health Officer, or a medical practitioner, or unless under instructions from such a person it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

67. Infected persons not to use public conveyance.— (1) No person who knows that he is suffering from a notified disease shall–

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried–

(a) In any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such case of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provision of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance the person in charge thereof shall, as soon as practicable, give notice to the Health Officer or other notified officer of the area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority, when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

68. Letting or sub-letting a building occupied by an infected person.— No person shall, without a special permit from the Health Officer, let or sub-let or permit or suffer any prospective tenant to enter a building in which he knows or has reason to know that a person has been suffering from a notified disease within the three months immediately preceding.

69. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in–

(a) any street or public place, or

(b) any market, theatre or other place of entertainment or assembly, or

(c) any school, college, playground or such other place, or

(d) any hotel, hostel, boarding house, choultry, rest house or club, or

(e) any factory or shop, or

(f) any public bathing place, or

(g) any other place of public resort.

Explanation.—A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

70. Forbidding work in infected premises.— (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) The section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may, from time to time, be notified by the [17][Director of Health Services].

71. Prohibition of use of public library by infected person.— (1) No person who knows that he is suffering from a notified disease shall take any book or newspaper, or cause any book or newspaper to be taken for his use, or use any book or newspaper taken, from any public or circulating library.

(2) If a person develops a notified disease while he is in possession of any such book or newspaper, he shall cause it to be disinfected before it is returned to the library.

(3) For the purposes of this section–

(a) "public library" shall include public reading room;

(b) "book" shall include every volume, part or division of a volume, pamphlet and leaflet in any language and every sheet of map, chart, or plan separately printed, lithographed or otherwise mechanically produced; and

(c) "newspaper" shall mean any periodical work containing public news or comments on public news.

72. Disposal of bodies of persons dying while suffering from notified disease.— (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

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17. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned not below the rank of Health or Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3)(a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building or of any adjoining or neighboring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) Any Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered as if it were a tax due to the local authority from any person who would have been legally liable therefore but for such removal and disposal, unless, in the opinion of the local authority, he is too poor to do so.

(4)(a) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that, in his opinion, it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(b) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public or private conveyance the dead body of any person who has died while suffering from cholera, small-pox or plague.

73. Power of Magistrate to prohibit an assembly of more than fifty persons.— In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being a Magistrate of the third class having local jurisdiction shall have power to prohibit either generally or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty in any place whether public or private or in any circumstances or for any purpose if in his opinion such assemblages in such place in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

74. Power of Government to confer special powers on officers to control notified diseases.— (1)(a) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the Government may declare, that such place or area is visited by or threatened with an outbreak of such diseases.

(b) The power conferred on the Government by clause (a) may subject to the control of the Government also be exercised by the Collector in respect of a place or area within his district.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the Gazette and shall come into operation on the date of such publication.

(d) Any declaration made by the Collector under clause (b) or withdrawal thereof in whole or in part shall be published in the Gazette, and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation and until it is withdrawn, the Collector or any person duly authorised by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer, or any other officer of the local authority concerned or any officer of the Government other than the Collector may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed either generally or in the case of the notified disease to which the declaration relates, exercise the following powers namely:—

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in any infected locality;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(c) power to direct–

(i) that persons arriving from places outside the local area or residing in any building adjacent to, or in the neighborhood of an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary —

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease; and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from import into or transport within, the local area;

(e) power to direct that at any place within or outside the local area, any consignment of grain exported from or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner; and

(f) power to close all or any existing markets and to appoint special places where markets may be held.

(3)(a) If any person who, or a child in whose care is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful enquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine not exceeding one hundred rupees or with both.

(4) The local authority or the Government may, in its discretion, give compensation to any person who, in its opinion, has sustained substantial loss by the destruction of any property under

the powers conferred by this section; but, save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

75. Destruction of rats, mice etc.— (1) The occupier of every premises or if the premises are unoccupied, the owner thereof shall take such steps as may be reasonably practicable for the destruction of rates, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1) he may either—

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice; or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty four hours previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be as if it were a tax due from him to the local authority.

PART III
Venereal Diseases

76. Provision for treatment of venereal diseases by local authorities.— (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for-

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may, for the purpose mentioned in sub-section (1) enter into a contract,—

(a) with any other local authority; or

(b) with the hospital or medical institution recognised by the Government in this behalf; or

(c) with the sanction of the Government, with any qualified and registered medical practitioner.

77. Patient to be instructed in methods of prevention of the spread of veneral disease.— Every physician or other person treating or examining with a view to treatment, a person having a venereal disease shall, at the first visit—

(a) impress upon such person the necessity for treatment until the cure is effected,

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the [18][Director of Health Services].

78. Certain medical practitioners to certify as to freedom from venereal disease.— Every medical practitioner included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees to examine such person, and if he finds such person is not suffering from a venereal disease or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

PART IV
Leprosy

79. Definitions.— In this Part–

(a) 'Leprosy' means open leprosy, that is to say, that form of the disease in which leprosy

18. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

bacilli can be demonstrated from the mucous membrane of the patient's nose or from his skin, by any recognized standard method of examination approved by the Government.

(b) 'Authorised practitioner' means a medical practitioner authorised by the Government in this behalf.

80. Provision for treatment of leprosy by local authority.— A local authority may, and if so required by the Government shall, make such arrangement in its local area as may be directed by the Government for—

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from leprosy, and

(b) the prevention of infection from leprosy.

81. Persons suffering from leprosy not to engage in certain occupations.— (1) No person who knows that he is suffering from leprosy shall, until he is certified by an authorised practitioner to be non-infectious and to have been so for a period of not less than three months, engage himself or accept any employment—

(i) As a cook, attendant, workman, salesman, server, or carrier in any place where food is sold to members of the public or is prepared or stored for such sale;

(ii) As a worker tending on or milking cow, buffaloes, or goats whose milk is to be sold or distributed to members of the public, or as a seller or distributor of milk to members of the public;

(iii) as driver or conductor of a public conveyance;

(iv) as a public servant; or

(v) in any other capacity which, in the opinion of the Health Officer involves deleterious contact with other persons not suffering from leprosy.

(2) No person who knows that he is suffering from leprosy shall, until he is certified by an authorised practitioner to be non-infectious and to have been so for a period of not less than six months–

(a) attend any school, college, playground or other similar place either as a teacher or as a member of the staff employed therein; or

(b) engage himself or accept any employment—

(i) as a doctor, nurse, midwife, ayah or orderly,

(ii) as a barber or hair-dresser,

(iii) as a tailor,

(iv) as a dhobi or launderer,

(v) as a house servant, personal attender or a peon,

(vi) in any other capacity which, in the opinion of the Health Officer involves deleterious contact with children.

(3) No one who has the care of any person whom he knows to be suffering from leprosy shall cause or permit such person to engage himself or accept any employment in any of the capacities referred to in sub-section (1) or to attend any place or engage himself or accept any employment in any of the capacities referred to in sub-section (2), until he is certified by an authorised practitioner as set forth in sub-section (1), or subsection (2), as the case may be.

(4) No one shall engage or employ any person whom he knows to be suffering from leprosy in any of the capacities referred to in sub-sections (1) and (2) until he is certified by an authorised practitioner as set forth in sub-section (1) or sub-section (2), as the case may be.

82. Persons suffering from leprosy not to use public conveyance.— (1) No person who knows that he is suffering from leprosy shall—

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance, without previously intimating to the owner, driver or conductor thereof that he is suffering from leprosy.

(2) No person who has the care of a person whom he knows to be suffering from leprosy shall permit him to be carried—

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously intimating to the owner, driver or conductor thereof that he is suffering from leprosy.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from leprosy at any time when a passenger not suffering from leprosy is being conveyed there in:

Provided that a person suffering from leprosy may be conveyed in the public conveyance aforesaid in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from leprosy until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) The person in charge of a public conveyance in which a person whom he knows to be suffering from leprosy has been conveyed shall, as soon as practicable, give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance, shall cause it to be disinfected.

(6) The local authority, when so requested by the person in charge of a public conveyance in which a person suffering from leprosy has been conveyed, shall provide for its disinfection.

83. Prohibition of persons suffering from leprosy from attending school, college or taking out books or newspapers from public or circulating libraries.— (1) No person who knows that he is suffering from leprosy shall—

(a) attend any school, college, playground or such other place; or

(b) take any book or newspaper or cause any book or newspaper to be taken for his use or use any book or newspaper taken, from any public or circulating library.

(2) No person who has the care of a person whom he knows to be suffering from leprosy shall permit him to do any of the acts prohibited by sub-section (1).

(3) For the purposes of this section–

(a) "public library" shall include "public reading room";

(b) "book" shall include every volume, part or division of a volume, pamphlet and leaflet in any language and every sheet of map, chart or plan separately printed, lithographed or otherwise mechanically produced; and

(c) "newspaper" shall mean any periodical work containing public news.

84. Segregation of persons suffering from leprosy.— The Government may, on the recommendation of the [19][Director of Health Services], by notification, declare any area to be a "Segregation Area" if they are satisfied that in such area adequate segregation accommodation for persons suffering from leprosy has been provided by the local authority, or has been placed at its disposal and set apart by it for the purpose; and thereupon, the following provisions shall apply to such area:—

(i) The Health Officer may, by notice, require any person suffering from leprosy and residing within the segregation area to remove himself to such segregation accommodation as may be

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19. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

specified in the notice and remain there until such time as he is certified by an authorised practitioner to be no longer infectious.

(ii) The notice shall allow a reasonable period for compliance therewith.

(iii) If the person suffering from leprosy does not comply with the notice within the period allowed therein, the Health Officer may have him compulsorily removed to the segregation accommodation specified therein, using such force, as may be reasonably necessary for the purpose.

(iv) The Health Officer may permit any person detained in the segregation accommodation to engage himself or accept employment in any of the capacities other than those specified in section 81 provided that it does-not involve the performance or any act specifically prohibited by this Act.

(v) The notice referred to in clause (i) may be given to the persons who has the care of a person suffering from leprosy, and thereupon it shall be the duty of the former to remove the person suffering from leprosy to the segregation accommodation specified in the notice.

(vi) If any person suffering from leprosy escapes from or leaves the segregation accommodation provided for him, without the written permission of the Health Officer or any other officer authorised by him in this behalf, such person may be arrested without a warrant by any police officer or by any one specially empowered by the Government and removed forthwith to such segregation accommodation.

(vii) The local authority shall arrange for the food, clothing and other necessaries of every person suffering from leprosy who is detained in the segregation accommodation, but any such person shall be at liberty to make his own arrangements for his food, clothing or other necessaries.

(viii) If any person is arrested under Clause (vi) after having been arrested and dealt with under that clause on at least three previous occasions, he shall, if the Health Officer so directs in writing, be produced before a Magistrate of the First Class who shall have power to order his detention in a leprosy annexe attached to a prison until such time as he is certified by an authorised practitioner to be no longer infectious; and thereupon all the provisions of the law for the time being in force shall, so far as may be and with such modifications if any, as may be prescribed, apply to such person as if he had been sentenced to simple imprisonment for the period for which such detention was ordered.

If the Magistrate does not order such detention or if the order of detention passed by him is subsequently cancelled, whether by himself or by any other Magistrate of the First Class, the person arrested or detained, as the case may be, shall forthwith be removed to the segregation accommodation aforesaid.

85. Power to require fresh certificate that person suffering from leprosy is not infectious.— Where any authority prescribed in this behalf has reason to believe that a certificate such as is referred to in section 81 or in Clause (1) of section 84 issued in respect of any person suffering from leprosy has ceased to be correct by reason of his having subsequently become infectious, such authority may require such person to obtain a fresh certificate from any authorised practitioner of his choice, as to the character of his leprosy, that is to say, as to whether he is or is not infectious.

Unless a fresh certificate as aforesaid is obtained by the person suffering from leprosy within such period as may be prescribed and such certificate declares him to be non-infectious, the certificate previously issued shall, for the purpose of all the provisions contained in this Part, be deemed to have been cancelled.

PART V

Power to make rules

86. Rules for the prevention, treatment and control of certain diseases.— The Government shall have power to make such rules as they deem fit for the treatment of persons

affected with any epidemic, endemic or infectious disease including leprosy as defined in section 79 and for preventing the spread of such diseases, and the rules may declare by what authority or authorities such rule shall be enforced and executed.

CHAPTER VIII

Maternity and Child Welfare

87. Local Authority to carry out maternity and child welfare measures.— Every local authority shall be bound to carry out such measures pertaining to maternity and child welfare as may be prescribed.

CHAPTER IX

Mosquito Control

88. Prohibition of mosquito breeding in collection of water.— (1) No person or local authority shall—

(a) have, keep, or maintain within any local area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

Explanation:— Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

89. Treatment of mosquito breeding places.— (1) The Health Officer may, by notice, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the [20][Director of Health Services], as the Health Officer may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter, be due from him to the owner.

90. Health Officer's power in case of default.— If the person on whom a notice is served under section 89 fails or refuses to take the measures or adopt the method of treatment specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were an arrear of land revenue.

91. Protection of anti-mosquito work.— Where, with the object of preventing the breeding of mosquitoes in any land or buildings, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs or is likely to impair their efficiency.

92. Protection of interference with such works.— (1) No person shall without the consent of the Health Officer interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

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20. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were an arrear of land revenue.

93. Power of health staff to enter and inspect premises.— For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times, after giving such notice as may appear to him reasonable, enter and inspect any land or building within his jurisdiction and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

94. Financial inability, etc., sufficient defence.— In any proceedings under this Chapter, it shall be sufficient defence to show that the person proceeded against is financially unable to carry out the directions given or that the necessary materials and appliances for the treatment or measures recommended are not available or that the collection of water is indispensable for the general communal purposes of the locality.

CHAPTER X

Sanitation and Buildings

Part I - Residential Areas

95. Notification of residential areas.— (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner, the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time shall be subject to such restrictions, limitations, and conditions as may be specified in the notification.

96. Approval of [21][Director of Health Services] and Director of Town Planning to be obtained for notification.— (1) Before issuing a notification under section 95, the local authority shall–

(a) obtain the approval both of the [21][Director of Health Services] and of the Director of Town Planning, in regard to–

(i) the suitability of the areas proposed to be reserved for residential purposes;

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 95; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any proposed to be imposed under sub-section (3) of section 95, and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the [22][Director of Health Services] or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

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21. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
22. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

97. Appeal against notification.— Any person aggrieved by the issue of a notification under section 95 may appeal to the Government whose decision shall be final.

98. Consequence of notification.— Upon the issue of a notification under section 95 the following consequences shall ensue, namely:—

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

(c) If work in any factory, workshop or workplace existing at the time when the notification under section 95 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under Clause (a).

(d) In the case referred to in clause (c) where the period exceeds six months but does not extend to one year work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise order.

99. Extension of Sections 95 to 98 to non-urban local authorities.— The Government may, by notification, direct that the provisions of sections 95 to 98 shall apply to any non-urban local authority specified in such notifications; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority.

Part II - Control over insanitary buildings

100. New building not to be erected on certain sites.— No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the [23][Director of Health Services] in the first instance and from the decision of the [23][Director of Health Services] to the Government whose decision shall be final.

101. Cleaning of court-yard, or passage used in common.— (1) If any court-yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court-yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, or to which the passage affords access in such proportions as may be determined by the Health Officer.

102. Dwelling house unfit for human habitation to be vacated.— (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 44 apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until, in the opinion of the Health Officer, it is rendered fit therefore:

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23. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

Provided that, before making an order under this sub-section, the local authority shall give the owner and occupier or occupiers, if any, concerned, a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy or permit to be let or occupied, such dwelling house or portion or any part thereof, as a human habitation.

103. Back-to-back houses not to be erected without permission.— Notwithstanding anything contained in any other law for the time being in force, no person shall, without the previous permission of the Health Officer, erect any back-to back houses intended to be used as dwelling houses and any such house the erection of which is begun after the commencement of this Act without such permission shall be deemed to be unfit for human habitation within the meaning of section 102.

Part III - Abatement of overcrowding

104. Definitions.— In this Part —

(1) "tenement" means a dwelling house and includes–

(a) any part of a dwelling house which is capable of separate occupation; and

(b) a students' hostel under public or recognised control but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord of the occupier or occupiers of a tenement.

105. Duties of landlord.— A landlord of a tenement–

(a) shall maintain it in a habitable condition; and

(b) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

106. Power to make rules.— The Government shall have power to make rules for determining-

(a) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 105; and

(b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

CHAPTER XI

Lodging Houses

107. Lodging house to be registered.— (1) No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

108. Register of lodging houses.— Every executive authority shall keep a register in which shall be entered-

(a) the full name and the place of residence of every person registered as the keeper of a lodging house;

(b) the situation of every such lodging house;

(c) the number of persons authorised to be received in the lodging house; and

(d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

109. Conditions of registration and of renewal of registration.— (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration as a keeper of a lodging house and on payment by him of such fee, if, any, as may be prescribed for the purpose, shall register the application in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority–

(a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and

(b) may refuse to register, or to renew the registration of an applicant if he is satisfied that–

(i) the applicant or any person employed or proposed to be employed by the applicant of the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as a lodging house or are not, as regards sanitation and water supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or

(iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighborhood.

(2) The registration, or the renewal of the registration, of a person as the keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper or for the insertion therein of the name of any other person, being a person approved by the executive authority whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

110. Appeal to local authority.— A person aggrieved by the refusal of an executive authority to grant or renew registration under section 109 may appeal to the local authority.

111. Rules for the upkeep and maintenance of lodging houses.— The Government shall have power to make rules -

(a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(b) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation at specified intervals;

(c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(d) generally for the well-ordering of the lodging houses.

112. Notice to be affixed outside lodging house.— (1) The keeper of a lodging house shall, if so required by the executive authority, affix and keep affixed and undefaced and legible, a notice with the words "registered lodging house" in some conspicuous place on the outside of the house.

(2) The keeper of a lodging house and every other person having the care or taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

113. Cancellation of registration by court.— When the registered keeper of a lodging house is convicted of any offence under this chapter or under section 62 or a rule or bye-law applicable to him made under this Act, the court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as the court thinks fit for being again registered as such keeper.

CHAPTER XII

Food Control

114. Prohibition of sale of unsound food.— (1) No person shall–

(a) sell, expose or hawk about for sale, or keep, store or prepare for sale, any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the court shall, unless and until the contrary is proved presume—

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption has been kept by such person for sale; and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

115. Punishment for contravening provisions of Section 114 through others.— (1) Any person who does any of the acts, mentioned in sub-section (1) of section 114 or in clauses (a) to (e) of sub-section (1) of section 10 of the Travancore Prevention of Adulteration Act, 1124, or clauses (a) to (d) of sub-section (1) section 4 of the Cochin Prevention of Food Adulteration Act, XIV of 1109 in any area to which the said Acts have been extended, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other persons having the care and custody of the child, as the case may be, shall be liable to punishment for such acts as if he had himself done the same.

116. Flesh of dead animal not to be consumed.— No person shall knowingly consume the flesh of any animal which has died on account of natural causes;

Explanation:— It shall be no defense to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

117. Importing meat into local area.— (1) No person shall bring into any local area without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughter-house maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat; or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit; or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

118. Power of Health Officer to enter premises used for food trade.— The Health Officer may, without notice, enter any place at any time by day or by night where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same.

119. Powers of Health Officer to deal with carriers of disease-handling food.— (1) The Health Officer may, at any time, examine or cause to be examined any person engaged in selling or in manufacturing or preparing for sale or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from or harbouring the germs of any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease or from disease producing germs.

120. Investigation of diseases caused by milk or dairy produce.— (1) If the Health Officer has reason to believe—

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area; or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease, the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer a complete list of all dairies (whether situated within or outside the limits of such area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

121. Inspection of dairy by Health Officer.— (1) The Health Officer may inspect any dairy referred to in section 120, and the milch cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused or is likely to be caused by the consumption of the milk or dairy produce supplied from such dairy he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may either-

(a) permit the milk or other produce of the dairy after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or daily produce in contravention of the provisions of this section.

CHAPTER XIII

Fairs and Festivals

122. Notification of fairs and festivals by Government.— (1) The Government may, by notification—

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this chapter be a notified fair or festival centre, for such period as may be specified in the notification; and

(b) define the limits of the area which shall, for the purpose aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connection with which a notification under sub-section (1) has been issued.

123. Notice to be given of fair or festival.— (1) The person or authority in charge of any fair or festival shall, not less than thirty days before its commencement, intimate to the executive authority or Health Officer of the local authority concerned, or, in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

124. Sanitary arrangements etc.— The local authority within whose jurisdiction a fair or festival is held or if it is held within the jurisdiction or two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for:—

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival, and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors to such extent as may be practicable;

(6) the lighting of the fair or festival centre;

(7) the supply by suitable persons of wholesome food at reasonable rates, and in such quantities as may be necessary to persons resorting to the fair or festival, and the proper supervision and inspection of all food prepared or offered for sale or stored or in the course of transit within the fair or festival centre;

(8) the collection, removal, and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festivals;

(10) the detection and segregation of cases of infectious disease and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

125. Health Officer to supervise the arrangements.— The arrangements mentioned in section 124 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in section 124, or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

126. Power to enter and seize unwholesome food.— (1) The Health Officer, or a Health or Sanitary Inspector of the Local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may—

(a) enter and inspect any building or shop in the fair or festival centre, which is a source of food supply;

(b) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which has reason to believe is unwholesome or unfit for human consumption, and destroy the same forth with, if in his opinion such food is of a perishable nature or the value thereof does not exceed ten rupees.

(2)(a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed; and any expenses incurred in this behalf (including the cost, if any. of analysing the food or sample thereof), shall be recoverable from the person from whom the food was seized, as if it were an arrear of land revenue.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized; and the cost, if any, of analysing the food or a sample there of shall be borne by the local authorities concerned.

127. Occupation of building, etc., required in connection with fair or festival.— (1) The local authority may, in cases of emergency with the sanction of the Collector, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, for the time being in force, any land or any building not being a dwelling house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation-sheds, latrines and the like:

Provided that if the land or building is occupied, notice shall be given to the occupants or be conspicuously affixed on such land or building not less than twenty four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Collector.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

128. Control over private sources of water-supply.— (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival centre, or within such distance therefrom as the Government may, by general or special order determine, to close or disinfect such source within a specified time, if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action, and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable shall be recovered from such owner or person as if it were an arrear of land revenue.

129. Licensing of houses to accommodate visitors to fair or festival.— (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3)(a) If it appears to the executive authority or the Health Officer as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence in the prescribed form and subject to the prescribed conditions for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licenced house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfillment of such condition, as he may specify.

130. Extension of provisions of Chapter to certain areas.— The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt on their way to, or return from, such centre.

CHAPTER XIV

Canal Boats

131. Infectious disease in canal boats.— Where any local authority, within whose local area a canal or any part of a canal is situate, is informed that a person on board a canal boat is suffering from an infectious disease, such authority shall cause such steps to be taken as may be

necessary for preventing the said disease from spreading and for that purpose may exercise the power of removing a person suffering as aforesaid and all other powers in relation to provisions against infection conferred by this Act and may also, if need be, detain the boat, but such boat shall not be detained for a longer time than is necessary for cleansing and disinfecting the same which in no case shall exceed forty-eight hours.

132. Inspection of canal boats.— (1) Where an executive authority within whose local area a canal or part of a canal is situate has reasonable cause to suppose that there is on board a canal boat any person suffering from an infectious disease, such authority may enter such canal boat and examine the same and every part thereof in order to ascertain whether on board such boat there is a person suffering from an infectious disease and may, if need, be detain the boat for the purpose but for no longer time than is necessary.

(2) The person in charge of such a canal boat shall, if so required by the executive authority, produce to such authority the certificate of registration of the boat and permit such authority to examine and copy the same and shall furnish such authority with such assistance and means as such authority may require for the purpose of his entry into and examination of and departure from the boat.

(3) Any person who refuses to comply with the requisition of the executive authority under this section shall be punishable with imprisonment for six months or with fine not exceeding one hundred rupees or with both.

133. Powers of [24][Director of Health Services].— The powers exercisable by the executive authority under this chapter shall also be exercisable by the [24][Director of Health Services] or any other officer specially authorised by him in writing in this behalf.

CHAPTER XV

Medical Inspection and Treatment of School Children

134. Medical Inspection of Schools.— The Government may make rules for ensuring the medical inspection and treatment of all school children, and prescribe the duties of local authorities in regard to such work.

CHAPTER XVI

Finance

135. Earmarking of revenue by local authorities for expenditure on public health.— Every Municipality shall earmark not less than 30 per cent of its income from all sources other than grants made by the Government for expenditure on the advancement of public health in its local area including expenditure or medical relief, and every Panchayat shall similarly earmark not less than 12½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this section to such extent as they may think fit in the case of any local authority.

CHAPTER XVII

Rules, Bye-laws, Penalties, etc.

136. Power of Government to make rules.— The Government shall in addition to the rule making powers conferred on them by any other provision contained in this Act have power to make rules generally to carry out the purposes of this Act.

137. Penalty for breach of rules.— (1) In making a rule under section 86, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable–

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24. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

138. Procedure for making and the effect of rules.— (1) The power to make rules under this Act shall be subject to the following conditions:—

(a) A draft of the rules shall be published in the Gazette.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act.

139. Bye-laws by local authorities.— Any local authority may make bye-laws not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

140. Breach of bye-laws.— In making a bye-law, the local authority may provide that a breach thereof shall be punishable–

(a) with fine which may extend to fifty rupees, and in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

[25]**141. Procedure for making or altering bye-laws.**— In regard to bye-laws made by a local authority under sections 139 and 140, the following provisions shall apply, namely:–

(a) in case the local authority is the Corporation of Trivandrum, sections 369, 370, 372 and 374 of the Trivandrum City Municipal Act;

(b) in case the local authority is a Municipality constituted under the Travancore District Municipalities Act, 1116, sections 329, 330 and 332 of that Act;

(c) in case the local authority is a Municipality constituted under the Cochin Municipal Act, XVIII of 1113, sections 318, 319 and 320 of that Act; and

(d) in case the local authority is a Panchayat constituted under the Travancore-Cochin Panchayats Act, 1950, sections 101 and 102 of that Act.

142. Penalties for offences against Act, etc.— (1) Whoever–

(a) contravenes any of the provisions of this Act specified in the first and the second columns of Schedule I; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of -

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II; or

(b) contravening any rule or order made under any of the provisions so specified; or

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25. See corresponding provisions of Kerala Municipal Corporations Act, 1961, Kerala Municipalities Act, 1961 and Kerala Panchayat Act, 1960.

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(3) Whoever after having been convicted of contravening the provisions of sub-section (1) of section 114 continues to contravene the said provisions shall be punished with simple imprisonment for a term which may extend to one week.

Explanation:— The entries in the third column of Schedules I and II headed "subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

143. Penalty for preventing entry of executive authority or Health Officer.— Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

MISCELLANEOUS

144. Propaganda by local authority.— Every local authority shall carry out intensive and extensive propaganda for the advancement of public health.

145. Appeal against decision of Health Officer.— Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

146. Method of serving notice.— (1) When any notice is required to be given by this Act or by any rule, bye-law, regulation or order made under it, such notice shall be in writing and shall be given —

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the executive authority by sending the same to him by registered post; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on or send it to, one of such owners or occupiers.

147. Cognizance of offences against the Act.— No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-law made under it unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer, or by a person expressly authorised in this behalf by the local authority, the executive authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1898 in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

148. Power to compound offences.— The executive authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may, by rules made by the Government, be declared compoundable.

The power to compound any offence so declared may also be exercised by such other authority or person as may be authorised in that behalf by rules made by the Government.

149. Powers of police officers to arrest offenders against Act, etc.— Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or bye-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false.

150. Powers of executive officer and public health staff to arrest offenders against Act, etc.— (1) The executive officer of a local authority or any member of the public health establishment of a local authority not below the rank of Health or Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which such officer or member has jurisdiction may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false.

[26](2) The offences referred to in sub-section (1) are–

(a) offences against any of the provisions of this Act or of any rule or bye-law made thereunder; and

(b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction;

(i) Chapters VII to XIII, both inclusive, of the Trivandrum District Municipal Act, read with section 375 of that Act and Schedules V and VI thereto.

(ii) Chapters VII to XIII, both inclusive, of the Travancore District Municipalities Act, 1116, read with section 334 of that Act and Schedules V and VI thereto;

(iii) Chapters VII to XIII, both inclusive, of the Cochin Municipal Act, XVIII of 1113, read with section 321 of that Act and Schedules VII and VIII thereto; and]

[27][(iv) section 10 of the Travancore Prevention of Adulteration Act, 1124 or section 4 of the Cochin Prevention of Food Adulteration Act, XVI of 1109.]

151. Persons arrested not to be detained unnecessarily.— No person arrested under section 149 or section 150 shall be detained in custody—

(a) after his true name and address have been ascertained; or

(b) for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not exceed twenty four hours, exclusive of the time necessary for the journey of such person to the court having jurisdiction to try the case.

152. Bar of suits and prosecutions in certain cases.— (1) No suit, prosecution or other proceeding shall lie against any local authority or any executive authority of a local authority or against the Government or any officer or servant of a local authority or of the Government or against any person appointed under section 10 of this Act, for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 10 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

153. Punishment for malicious abuse of powers.— (1) Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person

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26. See corresponding provisions of Kerala Municipalities Act, 1994.
27. See provisions of Prevention of Food Adulteration Act, 1954.

appointed under section 10 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) No prosecution shall be instituted under this section without the previous sanction of the Government.

154. Delegation of powers by Government.— The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorise any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority:

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act or to their powers under sections 6 (2), 135 and 161.

[28][**154A.**— x x x]

155. Establishment and constitution of the Public Health Board.— (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the Gazette, establish a Public Health Board.

(2) The Public Health Board shall consist of the following members:—

(a) the [29][Director of Health Services], the Surgeon-General, the Director of Indigenous Medicine, the Superintendent, Public Health Laboratory and the Superintendent of the Avittom Thirunal Women and Children Hospital, Trivandrum, to be *ex-officio* members;

(b) three members elected by the Legislative Assembly from among themselves;

(c) one member elected by the members of the Council of the Corporation of Trivandrum from among themselves;

(d) two members elected by the members of the Municipal Councils in the State from among themselves; and

(e) four members, one from each Revenue District elected by the Presidents of Panchayats of that District from among themselves.

(3) The [30][Director of Health Services] shall be the President of the Board and the District Health Officer, Trivandrum its Secretary.

(4) If any of the members mentioned in clauses (b), (c), (d) or (e) of sub-section (2) is not elected, the Government may nominate such person as they may deem fit; and the person so nominated shall for the purposes of this Act be deemed to have been duly elected under clauses (b), (c), (d) or (e) of sub-section (2) as the case may be.

(5) The Government may, by notification in the Gazette, make rules with reference to the election of members including election petitions and deposits to be made by the candidates standing for election as members and the conditions under which such deposits may be forfeited.

156. Term of Office of elected members.— (1) Save as otherwise provided, the term of office of the members other than the *ex-officio* members shall be for a period of three years commencing from the date on which the first meeting of the Board is held.

(2) An out-going member shall continue in office until the election of his successor and shall be eligible for re-election.

157. Cessation of membership in the Board.— A member of the Board other than an *ex-officio* member shall cease to hold office–

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28. Section 154A omitted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
29. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
30. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(i) if having been elected under clause (b) of sub-section (2) of section 155, he ceases to be a member of the Legislative Assembly;

(ii) if having been elected under clause (c) of sub-section (2) of section 155, he ceases to be a member of the Council of the Corporation of Trivandrum;

(iii) if having been elected under clause (d) of sub-section (2) of section 155, he ceases to be a member of the Municipal Council; and

(iv) if having been elected under clause (e) of sub-section (2) of section 155, he ceases to be President of the Panchayat.

158. Casual vacancies.— If a vacancy occurs in the office of a member of the Board other than an *ex-officio* member through death, resignation or otherwise previous to the expiry of the term of his office, the vacancy shall be filled by election. Any person elected to fill the vacancy shall, notwithstanding anything contained in section 156, hold office only so long as the member in whose vacancy he is elected would have held office if the vacancy had not occurred.

159. Function of the Public Health Board.— (1) The Public Health Board shall advice the Government on such matters relating to the public health administration of the State or any local area therein as the Government may, *suo motu* or on reference made to them by the [31][Director of Health Services] or any local authority, from time to time, refer to it.

(2) The meetings of the Board and the mode of transaction of business at such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the president, or a member.

160. Act to over-ride other enactments.— If any provision relating to public health contained in any other enactment in force in the State is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

161. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

162. Repeal.— The Travancore Public Health Act, 1121 (Act III of 1121) and the Cochin Public Health Act, XIX of 1124 are hereby repealed.

SCHEDULE I

Ordinary Penalties

[See Section 142 (1)]

Section	*Sub-Section or clause*	*Subject*	*Fine which may be imposed*
1	*2*	*3*	*4*
22	(1)	Failure of the owner or other persons having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc.	Twenty five rupees
24	...	Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water	Twenty five rupees
26	(1)	Failure to comply with notice to provide efficient drainage	Twenty five rupees

31. Substituted for the words " Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

27	..	Failure to comply with notice requiring to connect a house drain with an outside drain	Twenty five rupees
28	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land	Fifty rupees
29	...	Failure to comply with notice for paving or raising the level of any court, yard etc.,	Twenty five rupees
30	(1)	Unlawful construction of cess-pool or construction of cesspool on un-approved site	Fifty rupees
	(2)	Failure to comply with notice requiring removal or closure of cesspool	Fifty rupees
31	...	Occupying or permitting occupation of new building without drain	Fifty rupees
32	...	Letting out sullage or sewage into a street, etc.	Fifty rupees
33	...	Discharging injurious refuse etc., into a drain	Fifty rupees
34	...	Polluting water-course	One hundred rupees
36	...	Constructing or re-constructing a building intended for human habitation without a sanitary convenience	Fifty rupees
37	...	Failure to comply with notice regarding provision of sanitary conveniences or latrines	Fifty rupees
38	(1)	Failure to construct and maintain latrines in the prescribed manner	Fifty rupees
	(2)	Failure to comply with notice regarding removal or improvement of latrines	Fifty rupees
	(3)	Causing injury to latrines	Fifty rupees
42	...	Failure to comply with notice to abate nuisance	Fifty rupees
44	...	Failure to comply with Magistrate's order prohibiting the use of a house or building	One hundred rupees
49	(1)	Depositing filth, rubbish, etc., in streets	Fifty rupees
	(2)	Easing or permitting a member of the family to ease in a street, etc.,	Twenty five rupees
	(3)	Failure to cover excreta with earth	Two rupees
54	...	Failure to give information regarding existence of certain infectious diseases	Twenty five rupees
55	(2)	Failure to comply with notice prohibiting the use of unwholesome water	Fifty rupees
57	...	Exposing other persons to infection	Twenty five rupees
58	(a)	Infected persons carrying on trade in articles of food	Fifty rupees
	(b)	Infected persons engaging in other occupations without permit	Fifty rupees
62	...	Failure to give information of notified diseases	Twenty five rupees
65	...	Failure to close lodging houses, etc.	One hundred rupees
66	...	Sending infected clothes to a laundry or depositing infected articles in receptacle for refuse matter	Fifty rupees
67	(1), (2), (3) & (5)	Using or permitting use of public conveyance by an infected person	Fifty rupees

68	...	Letting or sub-letting of infected building without permit	Fifty rupees
69	...	Exposing other persons to infection	Twenty five rupees
70	(1)	Failure to comply with notice forbidding work in infected premises	Fifty rupees
71	...	Use of books from public libraries by infected persons, etc	Twenty five rupees
72	1,2,4 & 5	Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc., etc.,	Fifty rupees
73	...	Failure to comply with order prohibiting assemblages of more than 50 persons	One hundred rupees
74	(2)	Failure to comply with any order or directions issued by the Collector or other officer	Two hundred and fifty rupees
75	(1)	Failure to take steps for the destruction of rats, mice, etc.	Twenty rupees
	(2)	Failure to comply with the notice for the destruction of rats, mice, etc.	Twenty five rupees
77	...	Failure to give instructions to the person having veneral disease and failure to furnish the required information	Twenty rupees
81	1 & 2	Person knowing that he is suffering from leprosy accepting employment in certain capacities, etc.	Fifty rupees
81	(3)	Causing or permitting person known to suffer from leprosy to accept employment in such capacities	Fifty rupees
	(4)	Engaging person known to suffer from leprosy in such capacities	Fifty rupees
82	(1)	Person knowing that he is suffering from leprosy using public conveyance	Fifty rupees
	(2)	Permitting person known to suffer from leprosy to use public conveyance	Fifty rupees
	(3)	Conveying person known to suffer from leprosy in public conveyance	Fifty rupees
	(5)	Failing to give notice that person known to suffer from leprosy was conveyed in public conveyance or to disinfect such conveyance	Fifty rupees
83	(1)	Person knowing that he is suffering from leprosy attending school or taking books or newspapers from public library, etc.	Fifty rupees
	(2)	Permitting person known to suffer from leprosy to attend school or take books or newspapers from public library, etc.	Fifty rupees
89	(1)	Failure to comply with notice requiring steps to be taken against breeding of mosquitoes	Twenty rupees
91	...	Permitting deterioration of works relating to prevention of the breeding of mosquitoes	Fifty rupees
92	(1)	Injuring or destroying anti-mosquito works	Two hundred and fifty rupees
98	(a)	Construction of factories, workshops, etc., in residential areas	Five hundred rupees

	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed	Two hundred and fifty rupees
100	...	Illegal erection of building on insanitary ground	Two hundred rupees
102	2 & 3	Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as dwelling house	Two hundred rupees
103	...	Constructing back-to-back houses without permission	Twenty five rupees
105	(a)	Failure to maintain a tenement in a habitable condition	Twenty five rupees
	(b)	Causing or permitting a tenement to be over-crowded	Twenty five rupees
107	...	Keeping a lodging house or receiving a lodger without registration	One hundred rupees
112	(1)	Failure to affix notice	Ten rupees
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house	One hundred rupees
114	(1)	Selling etc., unsound meat or food	One hundred rupees
115	...	Selling, etc., unsound meat or food through others	One hundred rupees
116	...	Consuming the flesh of any animal which has died of natural causes	Twenty five rupees
117	(1)	Unlawfully importing meat from outside local area	One hundred rupees
119	(2)	Infected person carrying on trade, etc., in articles of food	Fifty rupees
120	...	Failure to furnish information regarding the sources of supply of milk or dairy produce	Twenty five rupees
121	(5)	Failure to comply with the order prohibiting the supply of milk or dairy produce	Fifty rupees
123	...	Failure to inform the proper authority about the date and other particulars regarding fair or festival	Fifty rupees
128	...	Failure to comply with notice to close or disinfect source of water-supply	One hundred rupees
129	1&3	Accommodating visitors without licence, or infringing conditions of licence	Twenty five rupees

SCHEDULE II

Penalties for Continuing Breaches

[See Section 142 (2)]

Section	*Sub-Section or clause*	*Subject*	*Fine which may be imposed*
1	*2*	*3*	*4*
22	(1)	Failure of the owner or other persons having control to obey or comply with the directions contained in the notice requiring to keep any well, etc., in good repair or cleanse it, or protect, etc.	Ten rupees
24	...	Continuing to occupying a dwelling house or to permit its occupation without a supply of wholesome water	Ten rupees

26	(1)	Failure to comply with notice to provide efficient drainage	Ten rupees
27	..	Failure to comply with notice requiring to connect a house drain with an outside drain	Ten rupees
28	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land	Twenty rupees
29	...	Failure to comply with notice for paving or raising the level of any court, yard etc.,	Ten rupees
30	(2)	Failure to comply with notice requiring removal or closure of cesspool	Ten rupees
32	...	Letting out sullage or sewage into a street, etc.	Ten rupees
33	...	Discharging injurious refuse etc., into a drain	Twenty rupees
34	...	Polluting water-course	Ten rupees
36	...	Constructing or reconstructing a building intended for human habitation without a sanitary convenience	Ten rupees
37	...	Failure to comply with notice regarding provision of sanitary conveniences or latrines	Ten rupees
38	(2)	Failure to comply with notice requiring removal or improvement of latrines	Ten rupees
42	...	Failure to comply with notice to abate nuisance	Ten rupees
44	...	Failure to comply with Magistrate's order prohibiting the use of a house or building	Twenty rupees
55	(2)	Failure to comply with notice prohibiting the use of unwholesome water	Twenty rupees
57	...	Exposing other persons to infection	Five rupees
58	(a)	Infected persons carrying on trade in articles of food	Ten rupees
	(b)	Infected persons engaging in other occupations without permit	Ten rupees
65	...	Failure to close lodging houses, etc.	Twenty rupees
69	...	Exposing other persons to infection	Ten rupees
70	(1)	Failure to comply with notice forbidding work in infected premises	Ten rupees
74	(2)	Failure to comply with any order or direction issued by the Collector or other officer	Fifty rupees
75	(1)	Failure to take steps for the destruction of rats, mice, etc.	Five rupees
	(2)	Failure to comply with the notice for the destruction of rats, mice, etc.	Five rupees
81	1 & 2	Person knowing that he is suffering from leprosy accepting employment in certain capacities, etc.	Ten rupees
	(3)	Causing or permitting person known to suffer from leprosy to accept employment in such capacities	Ten rupees
	(4)	Engaging person known to suffer from leprosy in such capacities	Ten rupees
83	(1)	Person knowing that he is suffering from leprosy attending school or taking books or newspapers from public library, etc.	Ten rupees

	(2)	Permitting person known to suffer from leprosy to attend school or take books or newspapers from public library, etc.	Ten rupees
89	(1)	Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes	Ten rupees
98	(a)	Construction of factories, workshops, etc., in residential areas	One hundred rupees
	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed	Fifty rupees
102	2 & 3	Failure to cease to inhabit a dwelling house declared unfit for human habitation; or permitting it to be let or occupied as dwelling house	Twenty rupees
103	...	Constructing back-to-back houses without permission	Ten rupees
105	(a)	Failure to maintain a tenement in a habitable condition	Ten rupees
	(b)	Causing or permitting a tenement to be over-crowded	Ten rupees
107	...	Keeping a lodging house or receiving a lodger without registration	Twenty rupees
112	(1)	Failure to affix notice	Two rupees
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house	Ten rupees
115	...	Selling, etc., unsound meat or food through others	Twenty rupees
119	(2)	Infected person carrying on trade, etc., in articles of food	Twenty rupees
121	(5)	Failure to comply with the order prohibiting the supply of milk or diary produce	Twenty rupees
128	...	Failure to comply with notice to close or disinfect source of water supply	Twenty-five rupees
129	(1) & (3)	Accommodating visitors without licence or infringing conditions of licence	Ten rupees

*RULES UNDER T.C. PUBLIC HEALTH ACT, 1955

Rules For Vaccination In Rural Areas Under Section 86

In exercise of the powers conferred by Section 86 of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955), the Government of Kerala hereby make the following Rules, the same having been previously published as required by Section 138 (1) of the said Act.

1. Definitions.— In these Rules, unless the context otherwise requires,—

(i) "Parent" means the father or mother of a legitimate child and the mother of an illegitimate child.

(ii) "Guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care, nurture or custody of any child has been entrusted by any authority lawfully authorised in that behalf.

(iii) "Vaccinator" means any Health Assistant appointed by the Government to perform the

* Published in Gazette dt. 28-3-1958, as Notification No.G.O. (Rt.) 1069/58/EHD dt. 28-3-1958.

operation of vaccination or any Medical Officer appointed by the Government or a private Medical Practitioner possessing the qualifications not below the rank of an Assistant Surgeon.

(iv) "Child" means a boy or girl who has not attained the age of eighteen years.

(v) "Unprotected child" means a child who has not been protected from smallpox by having had that disease naturally or by having been successfully vaccinated or re-vaccinated within seven years immediately preceding.

(vi) "Unprotected person" means a person who has no visible marks of small pox or is unable to produce satisfactory evidence of successful vaccination or re-vaccination carried out within seven years immediately preceding.

(vii) "Vaccination Depot" includes a place or building where vaccination is performed free of charge by direction of the [1][Director of Health Services].

(viii) "Person" means a male or female who has attained the age of 18 years.

(ix) "Inspecting Officer" means the Health Inspector appointed by the Government or the Joint District Medical Officer of Health or "Health Officer" notified under the Travancore-Cochin Public Health Act, 1955 or any person authorised by Government to inspect vaccinations performed by a Vaccinator.

(x) "Local Area" means a Panchayat area.

2. (i) The parent or guardian of an unprotected child who is not less than [2][three months] old and who has resided for one month within the limits of a Local Area shall take or cause the child to be taken to a Vaccination Depot for vaccination or re-vaccination as the case may be or shall procure such vaccination or re-vaccination by a Vaccinator.

(ii) Any unprotected person who has resided for one month within the limits of a Local Area shall get himself vaccinated or re-vaccinated as the case may be at a Vaccination Depot or by a Vaccinator.

(iii) Notice may be issued in Form No. 1 to unprotected person or guardians of such children to get themselves vaccinated.

3. The Health Officer or Executive Authority or any person duly authorised by any of them, may if any portion of the Local Area is threatened or infected with smallpox, direct every person or child in the said area who has no visible mark of smallpox or is unable to produce satisfactory evidence of successful vaccination or re-vaccination carried out within four years, to be vaccinated forthwith.

4 (i) If a Vaccinator finds that an unprotected person or child is not in a fit state of health to be vaccinated, he shall deliver to such person or the parent or guardian of such child as the case may be, a certificate in Form No. II to the effect that the person or child is not then in a fit state for vaccination. Such certificate shall remain in force for the period specified therein not exceeding three months but may be renewed if necessary. The reason for the unfitness shall be specified in the certificate.

(ii) If a Vaccinator finds that an unprotected person or child is in a state of health fit for vaccination he shall forthwith vaccinate such person or child and deliver to such person or the parent or guardian of such child as the case may be, a memorandum stating the date on which the vaccination was performed and specifying the date on which and the time and place at which the person or child should be present or be produced, as the case may be, for inspection.

5. (i) On the date and the time and place notified as aforesaid the person or child vaccinated shall be present or be produced as the case may be, for inspection.

(ii) If the inspecting officer finds that the vaccination has been successful he shall give to

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1. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000) Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
2. Substituted by Noification No. 41228/C3/66/HLD Published in Kerala Gazette No. 31 dt. 2-8-1966.

such person or the parent or guardian of such child as the case may be, a certificate to that effect in Form No. III.

(iii) In the event of the vaccination being unsuccessful the inspecting officer may if he thinks fit, direct that the unprotected person or child shall forthwith be again vaccinated and subsequently inspected as provided in sub-rule (i) of this Rule.

6. When an unprotected person or child is vaccinated by a Vaccinator not employed by the Government or by the Local Authority, such person or the parent or guardian of that child as the case may be, shall forward within fifteen days of the date of vaccination a certificate of successful vaccination from such Vaccinator to the Health Officer or to such person as may be authorised by the Health Officer in that behalf.

7. The Executive Authority or the Health Officer may cancel any certificate given under these rules if it is proved to his satisfaction that such certificate has been improperly given or obtained on behalf of any unprotected person or child and thereupon such certificate shall cease to be valid and notice of such cancellation shall forthwith be given to such unprotected person or the parent or guardian of such unprotected child as the case may be.

8. No fee or remuneration shall be accepted by a Vaccinator employed by the Government for any vaccination performed or certificate given under these rules. If any unprotected person or the parent or guardian of any unprotected child is desirous that vaccination should be done at the residence of such person or child the Health Officer may upon application by such person or such parent or guardian as the case may be and upon payment of such fee as the local authority may fix, direct a vaccinator to perform vaccination at such residence.

9. (i) If the Health Officer or any person authorised by him in this behalf has reasons to believe that there is an unprotected person or child in any house he may call upon or issue notice in Form IV to—

(a) such person to be present for inspection between the hours of 6 a.m. and 6 p.m. and to state his age, parentage, place of birth and duration of his residence in the area;

(b) The parent or guardian of any such child in the house under his care to produce the child for inspection between the hours of 6 a.m. and 6 p.m. and to state the age, parentage, place of birth and duration of residence of the child in the area.

(ii) The Health Officer, the Executive Authority or any other person authorised by him under sub-rule (i) of this Rule shall,—

(a) if he is aware of the existence of any person or child who is unprotected and is fit for vaccination, or

(b) if on a requisition under sub-rule (i) any person refuses to be present or any parent or guardian refuses to produce any child under his care for inspections, or

(c) if after inspection it is proved to his satisfaction that any person or child is unprotected and is fit for vaccination, or

(d) if he is acting in pursuance of the powers vested in him under Rule 3 deliver to such person or the parent or guardian of such child or cause to be affixed to the house of such person or such parent or guardian, a notice in Form No. I requiring the person or child as the case may be to be vaccinated within 72 hours at a time and place to be specified in the said notice. The person or the parent or guardian to whom such notice is delivered or at whose house it is affixed shall be bound to comply with it unless a certificate is produced from a Vaccinator to the effect that such person or child has either been successfully vaccinated already or is unfit for vaccination.

10. The provisions contained in Rules IV to VIII shall so far as may be, apply to re-vaccination of an unprotected person or child. Re-vaccination shall be performed five years after a primary vaccination (within three months period) and thereafter at intervals of seven years (within three months.)

11. Whoever commits a breach of any of these rules shall be punishable with imprisonment

which may extend to three months or with fine which may extend to one hundred rupees or with both.

FORM No. I

Notice for Vaccination

[*See* Rule 2 (iii)]

Sri ..... (Name)..... residing in ..... House ..... Kara ..... Pakuthy ..... Taluk .....District .....is hereby informed that he/his son/daughter ..... aged ..... (in the case of minor children) .....shall appear/be produced for inspection and shall be subject to vaccination/re-vaccination for protection against smallpox on..... (date) at .....(time) ..... at .....(place) failing which he shall be liable for punishment under the rules.

Station..... Signature.....
Date..... Designation.....

FORM No. II

Certificate of Postponement of Vaccination

[*See* Rule 4 (i)]

The child*/person..... aged..... residing at..... is not in a fit state for vaccination for a period of ..... months on account of .....

Station..... Signature.....
Date..... Designation.....

*Note:– In the case of child, note name of parent or guardian of the child.

FORM No. III

Vaccination Certificate

[*See* Rule 5 (ii)]

It is hereby certified that child*/person ..... aged ..... residing at..... has been ..... vaccinated/re-vaccinated on..... and bears ..... marks.

Station..... Signature.....
Date..... Designation.....

*In the case of child, name of parent or guardian of the child.

FORM No. IV

Notice for Inspection

[*See* Rule 9 (i)]

As it is known and there is every reason to believe that you/your son/your daughter ..... aged ..... residing ..... in..... (ward) .....Kara ..... Pakuthy ..... Taluk .....require/requires protection from smallpox, you are therefore requested to produce/ to be present, in the house for inspection during my visit at..... hour on..... date..... you will furnish such necessary information as to age, parentage, place of birth and the duration of the residence in the area etc., relating to you/your child.

You will be subject to prosecution under the rules in case you fail to comply with the notice.

Station..... Signature.....
Date..... Designation.....

*THE MADRAS PUBLIC HEALTH ACT, 1939

(Act III of 1939)

(Amended by Acts XIX of 1941, IV of 1944, X of 1949, X of 1950, XIV of 1951, VII of 1980 & XVI of 2000)

An Act to make provision for advancing the Public Health of the [1][State] of Madras.

WHEREAS it is expedient to make provision for advancing the Public Health of the [1][State] of Madras, it is hereby enacted as follows:—

CHAPTER I

Preliminary

1. Short title and extent.— (1) This Act may be called The Madras Public Health Act, 1939.

[2][(2) It extends to the whole of the Malabar District and the Kasaragod Taluk of South Kanara district as defined in clause (b) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)].

[3][2. Commencement.— x x x x]

3. Definitions.— In this Act, unless there is anything repugnant in the subject or context -

(1) "Building" includes—

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on heels or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes—

(a) any farm, cattle-shed, milk-stores, milk-shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, buttermilk, or dried, sterilized or condensed milk; and

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* Published in Fort St. George Gazette dt. 7-3-1939.

1. Substituted for the word "Province" by the Adaptation of Laws Order, 1950.
2. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000, w.e.f. 12-5-2000. Prior to the substitution it read as under:
"(2) it extends to the whole of the state of Madras"
3. Omitted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000, w.e.f. 12-5-2000. Prior to the omission it read as under:
"(1) The provisions of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the whole of the State of Madras at once.
(2) The Government may, from time to time, by notification, extent all or any of the provisions of Chapter IX to any local area in the State of Madras, and may cancel or modify any such notification.
(3) (a) The provisions of Part III of Chapter X shall come into force at once–
(i) in the City of Madras; and
(ii) in every local area which has been, or may Madras hereafter be, declared to be municipality under the Madras District Municipality Act, 1920, (Act V of 1920).
(b) The Government may, from time to time, by notification, extent the provisions of Part III of Chapter X to any other local area in the State of Madras, and may cancel or modify any such notification.

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place,

[4][(3A) xxxx]

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or drain of any other description and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connection therewith.

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

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

(10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.

(11) "Filth" means-

(a) night soil and other contents of latrines, cesspools and drains;

(b) dung and the refuse of useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid and putrefying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all material used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

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4. Clause (3A) omitted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
5. Clause substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
" 'Executive Authority' means the Commissioner, Chairman, President, (Executive Officer) or other functionary of the local authority concerned, who is vested with general executive powers under Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Board Act, 1920, (or the Madras Village Panchayats Act, 1950) as the case may be."
6. Clause (9) substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(9) Executive Officer" means the paid officer, if any of the local authority who is vested with general executive powers in the local area for which such authority is constituted under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras District Board Act, 1920 or the Madras Village Panchayats Act, 1950, as the case may be."

(13) "Government" means the [7][State] Government as defined in [7][clause (60)] of Section 3 of the General Clauses Act, 1897.

(14) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the district.

(15) "House drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.

(16) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets and includes any temporary structure of whatever size or any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act.

(17) "Infectious disease" means an infectious disease as defined in Section 52 and includes notified disease as defined in Section 62.

(18) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush out.

(19) "Local area" means the area within the jurisdiction of a local authority;

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

(21) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where causal visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include-

(a) a students' hostel under public or recognized control, or

(b) a house licenced under Section 125 for accommodating visitors to a fair or festival, or

(c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both.

(22) "Magistrate" does not include an honorary or a village magistrate;

(23) "Milk" means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or dessicated milk, or any other product of milk;

(24) "Notification" means a notification in the Official Gazette;

(25) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity, or persons who may have occasion to use any public right;

(26) "Occupier" includes—

(a) any person for the time being paying or liable to pay to the owner the rent or any

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7. Substituted by The Adaptation of Laws (Amendment) Order, 1950.
8. Clause (20) substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(20) Local authority means–
(a) in the City of Madras, the Corporation of Madras;
(b) in any other municipal area, the municipal council concerned;
(c) in any area in a district as defined in the Madras Local Boards Act, 1920, which is comprised within the jurisdiction of a panchayat (constituted under the Madras Village Panchayats Act, 1950), the panchayat concerned (or if under section 6A the Government so direct in respect of any function, the district board concerned in respect of such function); and
(d) in the case of all areas in a district defined as aforesaid, which are not comprised within the jurisdiction of (such panchayat), the district board concerned."

portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant.

(27) "Offensive matter" includes –

(a) filth as defined in clause (11);

(b) sewage as defined in clause (33); and

(c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper;

(28) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance;

(29) "Owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(30) "Prescribed" means prescribed by the Government by rules made under this Act;

(31) "Private street" means any street, road, square, court, alley, lane, passage or riding-path which is not "a public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(32) "Public Street" means any street, road, square, court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way and includes -

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the [9][Central or State Government].

(33) "Sewage" means night soil and other contents of latrines, cess-pools or drains and includes trade effluents and discharges from manufactories of all kinds.

(34) "Street" means a public or a private street;

(35) "Urban local area" means the area within the jurisdiction of an urban local authority.

[10][(36) "Urban Local Authority" means a municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994);]

(37) "Veneral disease" means syphilis, gonorrhoea, soft chancre, venereal granuloma or lumpho granuloma;

(38) "Water-course" includes any river, stream or channel, whether natural or artificial, other than a drain;

(39) "Work-place" means any premises including the precincts thereof (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(40) "Workshop" means any premises including the precincts thereof (not being a factory)

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9. Substituted for the word "Crown" by the Adaptation (Amendment) Order of 1950.
10. Clause (36) substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(36) Urban local authority means–
(a) the Corporation of Madras; or
(b) a municipal council; or
(c) any panchayat notified by the Government as an urban local authority for the purposes of this Act, so long as the notification remains in force."

wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

CHAPTER II

Controlling Authorities and their powers

Public Health Board

4. Constitution of the Public Health Board.— (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the [11][State] [12][xxx] Public Health Board consisting of the following members, namely—

(a) the Minister of Public Health;

(b) the Minister for Local Administration;

(c) three members of the Madras Legislature nominated by the Government;

(d) the Surgeon-General with the Government of Madras;

(e) the [13][Director of Health Services]

(f) the Sanitary Engineer; and

(g) one other officer of the Government nominated by the Government.

(2) Members nominated under clause (c) of sub-section (1) shall hold office for a period of one year from the date of nomination, but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the [13][Director of Health Services] shall be its Secretary.

5. Functions of the Public Health Board.— (1) The Public Health Board shall advice the Government on such matters as the Government may from time to time refer to it.

(2) The meetings of the Board and the mode of transaction of business at such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary or a member.

Powers of the Government and of the [13][Director of Health Services]

6. Powers of the Government and of the [13][Director of Health Services] and his staff.— (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised and the duties to be performed by the [13][Director of Health Services] or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the District Collector under any other law for the time being in force.

[14][**6A. Power of Government to direct the performance by district board of any function devolving on Panchayats.**— (1) Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayat shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat.

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11. Substituted by the Adaptation of Laws Order, 1950.
12. Omitted for the words "of Madras" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
13. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
14. Inserted by section 3 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941), re-enacted permanently by section 2 (1) and the First Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order-

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayat or panchayats, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayat or panchayats concerned.]

7. Powers of the [15][Director of Health Services] to advice local authorities.— [15][Director of Health Services] may, from time to time, as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

Public Health Establishments of Local Authorities

8. Public Health staff in local areas.— (1) The public health establishment of every local authority (other than the Corporation of Madras) shall be on such scale as the Government may from time to time direct.)

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the [16][Director of Health Services] shall have disciplinary control over the members of such public health establishments.

[17][**9. Appointment or nomination of Health Officer.**— (1) Every village panchayat and municipality shall have a Health Officer.

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

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

10. Appointment of temporary Health Officers in emergencies.— (1) In the event of the prevalence or threatened out break of any infectious disease in any local area, or of any unusual mortality therein, the Government may, by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious

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15. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
16. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
17. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000. Prior to the substitution it read as under:
"(9) (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule.
(2) Notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, the Government–
(a) shall appoint the Health Officers of all the local authorities (other than the Corporation of Madras) in respect whereof a direction is issued under sub-section (1); and
(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and provident fund as the Government may, by general or special order, determine."

disease preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1), the Government may appoint any medical practitioner registered under the Madras Medical Registration Act, 1914, either on an honorary basis or on such salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

11. Delegation of powers of Health Officer.— The Government may, by general or special order, authorise any officer of the Government or of a local authority to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

12. Appointment of persons to carry out the provisions of this Act.— (1) Notwithstanding anything contained in this Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and where more than one local authority is concerned, in such proportions, as may be determined by the Government.

13. Powers of [18][Director of Health Services] over public health staff of local authorities.— (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the [18][Director of Health Services] shall have power.

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) Nothing contained in clause (a) of sub-section (1) shall apply to the Corporation of Madras.

(3) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and provident fund as the Government may, by general or special order, determine.

14. Health Officers control over public health staff.— (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

(2)(a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

[19][(b) x x x x]

15. Local authority to provide adequate facilities to the Health Officer.— Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may in the opinion of the [18][Director of Health Services] be necessary for the proper conduct of the business of such Health Officer.

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18. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
19. Repealed by Act 14 of 1961. Prior to the Repeal it read as under:
"(b) if for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final."

16. Authorization of Health Officer to perform the functions of executive authority in public health matters.— Notwithstanding anything contained in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, [20][the Madras Village Panchayats Act, 1950], the Madras Prevention of Adulteration Act, 1918, and the Places of Public Resort Act, 1888, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

[21][**16A. Local authority to manage health institutions.**— (1) The local authority shall manage health institutions transferred to it by Government.

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

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

CHAPTER III

Water Supply

17. Local authority to provide potable water.— (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, so far as may be practicable, make adequate provision for securing–

(a) that the water-supply is continuous throughout the year, and

(b) that the water supply is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes.

18. Power of Government to direct local authority to execute water works.— (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government—

(a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(b) purchase or take on lease any water-work, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government) from which water is or may be made available for the use of the public in the local

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20. Inserted by section 135 (iv) of Madras Village Panchayats Act, 1950 (Madras Act X of 1950).
21. Section 16A inserted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of local authority, only to the extent necessary for such purposes.

19. Power of Government to divert water from water-main belonging to a local authority.— The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

20. Power of Collector in regard to water-supply.— (1) The Collector of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining—

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Collector or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided that before issuing a notice under this sub-section, the Collector or other officer shall give the authorities or persons affected, a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Collector or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom and the period within which, they are to be executed.

(b) The notice shall either–

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owning or having control over the source of water supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6)(a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the Officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on enquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

Explanation:— For the purposes of this sub-section, 'water-tax' means—

(a) a tax levied under Section 25 of this Act, or

(b) a water and drainage-tax levied under Section 81 (1) (b) of the Madras District Municipalities Act, 1920, or under Section 99 (1) (b) of the Madras City Municipal Act, 1919, or

(c) a tax levied under Section 75 (2) of the Madras Local Boards Act, 1920, for the specific purpose of executing, maintaining or improving any work for the supply of water, [22][or

(d) an additional house-tax levied under rule 19 of Schedule IV to the Madras Local Boards Act, 1920, for the purpose of providing a water-system or a combined water and drainage system.]

21. Powers of [23][Director of Health Services] to direct local authority to improve water-supply.— If the [23][Director of Health Services] is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is in his opinion, desirable, he may by order direct, the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

22. Railway administrations to submit samples of drinking water for analysis.— In the case of any railway in the [24][State] of Madras, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

23. Rules for the protection and periodical examination of water supply.— The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the [24][State].

24. Health Officer's powers in regard to insanitary sources.— (1) The Health Officer may at any time by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof—

(a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(b) cleanse any such source of water-supply from silt, refuse and vegetation; or

(c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(d) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in his opinion dangerous to the health or safety of the public or of any person having occasion to use or to pass or approach the same; or

(e) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion, the water is unfit for drinking; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land

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22. Added by section 4 of the Madras Public Health (Amendment) Act, 1941 (Madras XIX of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act 1949 (Madras Act X of 1949).
23. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
24. Substituted by the Adaptation of Laws Order, 1950.

or premises or receptacle or reservoir attached or adjacent thereof, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighborhood:

Provided that the provisions of clauses (a) and (d) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (f) unless a notice has first been issued under clause (e) and the source of water supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice, and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over, such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

25. Levy of water-tax and earmarking the proceeds for water-works.— (1) Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or maybe a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3)(a) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(b) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4)(a) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(b) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of the Corporation of Madras to levy a water and drainage tax under Section 99 (1)(b) of the Madras City Municipal Act, 1919, or of any municipality governed by the Madras District Municipalities Act, 1920, to levy a water and drainage tax under Section 81(1)(b) of that Act [25][or of any local board governed by the Madras Local Boards Act, 1920, to levy an additional house-tax under Rule 91 of Schedule IV to that Act for any purpose specified in that rule.]

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25. Added by section 5 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

26. New house not to be occupied without adequate water-supply.— No owner of any dwelling house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Health or Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

CHAPTER IV

Drainage

27. Local Authority to maintain public drains.— (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cesspools and the like vested in or [26][belonging to it.]

28. Power of Health Officer to require drains to be constructed.— (1) If any premises are in the opinion of the Health Officer, without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Provided that—

(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct—

(i) a closed cess-pool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cesspool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

29. Drains in private streets.— Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made-

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26. Substituted for the words "belonging to them" by section 6 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned, or

(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

30. Drainage for huts.— (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such materials, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of the hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

31. Drainage of court-yard, alley, passage, etc.— For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court-yard, alley, lane, passage or open space-

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) to raise the level of such court-yard, alley, lane, passage or open space.

Explanation:— It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

32. Construction and closure of cesspools.— (1) No person shall construct a cesspool-

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance there from as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Heath Officer may, at anytime, by notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

33. Prohibition of occupation of new building without drains.— No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

34. Sullage or sewage not to be let out into streets.— No person having control over any building or land shall cause or allow–

(a) the water of any sink, sewer, latrine or sanitary convenience, on any other liquid or other matter which is, or is likely to become, offensive, to run or drain into or to be thrown or put upon, any street or open space or to soak through any external wall; or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

35. Injurious refuse not to be discharged into public drains.— No person shall, save as may be generally or specially prescribed, throw, empty, or turn or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain—

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or steam or other liquid which is either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive, or inflammable substance.

36. Pollution of water-courses prohibited.— No person shall, save as may be generally or specially prescribed–

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly, permit to be put or to fall or flow or be carried, into any water-course—

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as, either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighborhood of any water-course.

CHAPTER V

Sanitary Conveniences

37. Obligation of local authority to provide public sanitary conveniences.— Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

38. New houses to be provided with sanitary conveniences.— If in any local area any building intended for human habitation is constructed or is re-constructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

39. Additional sanitary conveniences.— (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice in writing require the owner of such building-

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

40. Mode of construction of latrines.— (1) All latrines shall–

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connection therewith.

CHAPTER VI

Abatement of Nuisances

41. Certain things to be nuisances.— Without prejudice to the generality of the definition

of the expression "nuisance" contained in clause (25) of Section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter:—

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory [26A][not being a factory governed by the provisions of the Factories Act, 1934], workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so-crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bake-house or gas-work, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

42. Detection of nuisance.— Every urban local authority shall–

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist there in calling for abatement under the powers conferred on such authority by this Act; and

(b) enforce the provisions of this Act in order to abate such nuisances.

43. Information regarding nuisance.— Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the Public Health establishment of the local authority.

44. Power of Health Officer to abate nuisance.— If the Health Officer is satisfied, whether upon information given under Section 43 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that —

(a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

45. Power of local authority to abate nuisance.— If the person, on whom a notice to abate a nuisance has been served under Section 44, makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be and may recover the cost from such person as if it were a tax due to the local authority.

26A. Now the Factories Act, 1948 (Central Act LXIII of 1948).

46. Provision regarding house rendered unfit for occupation by reason of nuisances.— Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a Magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

47. Disposal of articles removed while abating nuisance.— (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the material belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

48. Powers of entry and inspection.— The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Health or Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that —

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(b) no dwelling house shall be so entered without the consent of the occupier thereof unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(c) sufficient notice shall, in every case, be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

49. Power of Government in case of default by local authority.— If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorise any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such Officers shall be met from the funds of the local authority.

50. Nuisance caused by act or omission outside local area.— If a nuisance under this Act within, of affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorised by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

51. Prohibition of the deposit of rubbish etc., in streets, etc.— (1) No person shall deposit, or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property) or on any quay, jetty or landing place or on any such part of the sea-shore, or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall cause himself, or cause, permit or suffer any member of his family or

household to ease himself in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

CHAPTER VII

Prevention, Notification and Treatment of diseases

PART I - Infectious Diseases in General

52. Infectious diseases.— For the purposes of this Part, 'Infectious disease' means (a) acute influenzal pneumonia, (b) anthrax, (c) cerebrospinal fever, (d) chicken-pox, (e) cholera, (f) diptheria, (g) enteric fever, (h) leprosy, (i) measles, (j) plague, (k) rabies, (l) relapsing fever, (m) scarlet fever, (n) smallpox, (o) tuberculosis, (p) typhus or (q) any other disease which the Government may from time to time, by notification, declare to be an infectious disease either generally throughout the [27][State] or in such part or parts thereof as may be specified in the notification.

53. Appointment of additional health staff.— (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the [28][Director of Health Services] whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

54. Provision and maintenance of isolation hospitals and wards.— (1) (a) The local authority may, and if so required by the Government shall, provide or cause to be provided hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons, a local authority may—

(i) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any such hospital or part of a hospital or place of reception, or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the [28][Director of Health Services.]

55. Provision of ambulances, etc.— A local authority may, and if so required by the [28][Director of Health Services] shall,–

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites for the free carriage of persons suffering from any infectious disease; and

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27. Substituted for the word "Province" by the Adaptation of Laws Order, 1950.
28. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000) Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

56. Medical practitioners to give information of certain infectious diseases.— Every medical practitioner who, in the course of his practice, becomes cognizant of existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay–

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary Inspector; and

(b) in non-municipal areas, to the Health Officer, a Health or a Sanitary Inspector or the village headman.

Explanation:— In this section, 'medical practitioner' includes a hakim or vaidye, whether registered or not.

57. Prohibition of the use of water from suspected source.— (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

58. Removal of infected person to hospital.— (1) if it appears to the Health Officer that any person is suffering from an infectious disease, and that such person —

(a)(i) is without proper lodging or accommodation, or

(ii) is lodged in a place occupied by more than one family, or

(iii) is without medical supervision directed to the prevention of the spread of the disease, or

(iv) is in a place where his presence is a danger to the people in the neighborhood; and

(b) should be removed to a hospital or other place at which, patients suffering from such disease are received for treatment, the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place—

(i) The removal shall be effected in such a way as to preserve her privacy; and

(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the medical officer-in-charge or of the Health Officer.

(4) Whoever—

(a) obstructs the removal of any person to any hospital or other place under sub-section (1), or

(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment, which may extend to three months, or with fine, or with both.

59. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

(a) any market, theatre or other place of entertainment or assembly, or

(b) any school, college, playground or such other place, or

(c) any hotel, hostel, boarding house, choultry, rest-house, or club, or

(d) any factory or shop.

Explanation:— A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner registered under the Madras Medical Registration Act, 1914, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

60. Infected person not to engage in certain trades and occupations.— No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease-

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

(b) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

61. Prevention of infectious disease transmissible from animals.— If, in any local area, any infectious disease transmissible to man breaks out, or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

PART II

Notified Infectious Diseases

62. Notified diseases.— In this part, 'notified disease' means,

(a) cerebro-spinal fever	(b) chicken-pox	(c) cholera
(d) diptheria	(e) leprosy	(f) measles
(g) plague	(h) rabies	(i) scarlet fever
(j) small-pox	(k) typhus, or	

(l) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this Part either generally throughout the [29][State] or in such part or parts thereof as may be specified in the notification.

63. Occupation of houses to prevent the spread of infection.— (1) The Health Officer may, in cases of emergency, with the sanction of the District Collector, enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been

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29. Substituted for the word "Province" by the Adaptations of Laws Order, 1950.

occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

64. Information regarding notified disease.— Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay—

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary Inspector, and

(b) in non-municipal areas, to the Health Officer a Health or Sanitary Inspector or the village headman.

Explanation:— In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

65. Power of entry of local officers to take preventive measures.— (1) The Health officer or any person authorised by him in this behalf may–

(a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorised by such authority.

66. Destruction of hut or shed to prevent spread of infection.— (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

67. Closure of lodging houses.— If, on the application of the Health officer, a Magistrate (not being a Magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

68. Infected clothes not to be sent to laundry.— No person shall—

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health

Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

69. Infected persons not to use public conveyance.— (1) No person who knows that he is suffering from a notified disease shall—

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance,

without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance,

without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

70. Letting or sub-letting a building occupied by an infected person.— No Person shall, without a special permit from the Health Officer, let or sublet, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months, immediately preceding.

71. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in —

(a) any street or public place, or

(b) any market, theatre or other place of entertainment or assembly, or

(c) any school, college, playground or such other place, or

(d) any hotel, hostel, boarding house, choultry, rest-house, or club, or

(e) any factory or shop.

Explanation:— A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner registered under the Madras Medical Registration Act, 1914, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

72. Forbidding work in infected premises.— (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be notified by the [30][Director of Health Services.]

73. Prohibition of use of public library by infected person.— No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken, for his use, or use any book taken from any public or circulation library.

74. Disposal of bodies of persons dying while suffering from notified disease.— (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Health or Sanitary Inspector, retain in any premises (elsewhere than in public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3)(a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

If the dead body of any person is retained in building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building, any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which be considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal unless in the opinion of the local authority he is too poor to do so.

(4)(a) If any person dies in a hospital or a place of temporary accommodation for the sick while suffering from a notified disease, and the Health Officer certifies that in his opinion it is

30. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

desirable, in order to prevent the spread of infection that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(b) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer, or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

75. Power of Magistrate to prohibit an assembly of more than fifty persons.— In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being a Magistrate of the third class, having local jurisdiction shall have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

76. Power of Government to confer special powers on officers to control notified diseases.— [31][(1) (a) In the event of the prevalence or threatened outbreak of notified disease in any place or area, the Government may declare that such place or area is visited by, or threatened with, an outbreak of such disease.

(b) The power conferred on the Government by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Collector of the district subject to the control of the Government.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the *Fort St. George Gazette* and shall come into operation on the date of such publication.

(d) Any declaration made by the Collector under clause (b) or withdrawal thereof in whole or in part shall be published in the district gazette, and shall come into operation on the date of such publication.]

(2) [31A][When a declaration under clause (a) or clause (b) of sub-section (1), comes into operation, and until it is withdrawn, the Collector of the district or any person duly authorised by him by general or special order, or if empowered in this behalf by rule made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the Government other than the Collector may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either generally or in the case of, the notified disease to which the declaration relates, exercise the following powers, namely:—]

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(c) power to direct—

(i) that persons arriving from places outside the local area, or residing in any building,

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31. Substituted by section 7 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

31A. Substituted by section 7 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary –

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(e) power to direct that any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary unloaded and disinfected in any specified manner; and

(f) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declare before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

[32][x x x]

[33][(4)] The local authority may, in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

77. Destruction of rats, mice, etc.— (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infecting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1) he may either—

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32. Omitted by section 7 (iii) of the Madras Public Health substituted by section 7 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).
33. Renumbered by section 7 (iii) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice, and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours previous notice to such occupier or owner.

(3) Any expenses incurred under Clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

PART III

Veneral Diseases

78. Provision for treatment of venereal diseases by local authorities.— (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for—

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may for the purpose mentioned in sub-section (1), enter into a contract—

(a) with any other local authority, or

(b) with a hospital or medical institution recognised by the Government in this behalf, or

(c) with the sanction of the Government, with any medical practitioner registered under the Madras Medical Registration Act, 1914.

79. Patient to be instructed in methods of prevention of the spread of venereal disease.— Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit —

(a) impress upon such person the necessity for treatment until the cure is effected;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the [34][Director of Health Services].

80. Certain medical practitioners to certify as to freedom from venereal disease.— Every medical practitioner registered under the Madras Medical Registration Act, 1914 and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that [35][such person is not suffering] from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

PART IV - Power to make rules

81. Rules for the prevention, treatment and control of certain diseases.— The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such disease and the rules may declare by what authority or authorities such rules shall be enforced and executed.

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34. Substituted for the words "Director of Public Health" by Kerala Decentralisation of powers Act, 2000 (Act 16 of 2000), published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
35. Substituted for the words "that such person is not suffering" by section 8 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

CHAPTER VIII

Maternity and Child-Welfare

82. Local authority to carry out maternity and child-welfare measures.— Every local authority shall be bound to carry out such measures pertaining to maternity and child-welfare as may be prescribed.

CHAPTER IX

Mosquito Control

83. Prohibition of mosquito breeding in collections of water.—(1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension–

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

Explanation:— Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

84. Treatment of mosquito breeding places.— (1) The Health Officer may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the [36][Director of Health Services] as the Health Officer may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

85. Health Officer's powers in case of default.— If the person on whom a notice is served under Section 84 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

86. Protection of anti-mosquito works.— Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, [37][have constructed any works] in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

87. Prohibition of interference with such works.— (1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed

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36. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
37. Substituted for the words "has constructed any works" by section 3 (1) of, and the second schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

or any material or thing placed in, under, or upon any land or buildings, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

88. Power of Health staff to enter and inspect premises.— For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

CHAPTER X

Sanitation and Buildings

PART I - Residential Areas

89. Notification of residential areas.— (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

90. Approval of [38][Director of Health Services] and of Director of Town-Planning to be obtained for notification.— (1) Before issuing a notification under Section 89, the local authority shall–

(a) obtain the approval both of the [38][Director of Health Services] and of the Director of Town Planning in regard to–

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of Section 89; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of Section 89; and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the [38][Director of Health Services] or the Director of Town-Planning, the matter shall be referred to the Government whose decision shall be final.

91. Appeal against notification.— Any person aggrieved by the issue of a notification under Section 89, may appeal to the Government whose decision shall be final.

92. Consequence of notification.— Upon the issue of a notification under Section 89, the following consequences shall ensue, namely:—

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38. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence, at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

Explanation.— (1) If work in any factory, workshop, or workplace existing at the time when the notification under Section 89 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop or workplace or of such offensive trade as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (a).

Explanation.— (2) In the case referred to in Explanation (1), where the period exceeds six months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without written permission of the Health Officer unless the Government otherwise order.

93. Extension of Sections 89 to 92 to non-urban local authorities.— The Government may, by notification, direct that the provisions of Sections 89 to 92 shall apply to any non-urban local authority specified in such notification; and thereupon the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of Section 89 were a reference to the date of publication of the notification under this section.

PART II - Control over insanitary buildings

94. New building not to be erected on certain sites.— (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

95. Cleansing of court-yard or passage used in common.— (1) If any court-yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court-yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard or to which the passage affords access, in such proportions as may be determined by the Health Officer.

96. Dwelling house unfit for human habitation to be vacated.— (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation he may in cases not falling under Section 46, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied, such dwelling house or portion, or any part thereof, as a human habitation.

[39][**97.** x x x x]

PART III - Abatement of Overcrowding

98. Definitions.— In this part —(1) 'tenement' means a dwelling house and includes—

(a) any part of a dwelling house which is capable of separate occupation; and

(b) a students' hostel under public or recognised control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) 'landlord' means the immediate landlord of the occupier or occupiers of a tenement.

99. Duties of landlord.— A landlord of a tenement.—

(a) shall maintain it in a habitable condition; and

(b) except temporarily on occasions such as marriage and the like shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

100. Power to make rules.— The Government shall have power to make rules for determining—

(a) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of Section 99; and

(b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

CHAPTER XI

Lodging House

101. Lodging houses to be registered.— No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

102. Register of lodging houses.— Every executive authority shall keep a register in which shall be entered—

(a) the full name and the place of residence of every person registered as the keeper of a lodging house;

(b) the situation of every such lodging house;

(c) the number of persons authorised to be received in the lodging house; and

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39. Omitted by section 9 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

(d) the full names and the places of residence of any person who are to act as deputies of the keeper of the lodging house.

103. Conditions of registration and of renewal of registration.— (1) An executive authority on receiving from any person an application for registration, or for the renewal of the registration as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority—

(a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and

(b) may refuse to register or, to renew the registration of, an applicant if he is satisfied that–

(i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire suitably equipped for use as such; or

(iii) the use of the premises as lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration, of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

104. Appeal to local authority.— A person aggrieved by the refusal of an executive authority to grant or renew registration under Section 103 may appeal to the local authority.

105. Rules for the upkeep and maintenance of lodging houses.— The Government shall have power to make rules-

(a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(b) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceiling thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;

(c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(d) generally for the well-ordering of lodging houses.

106. Notice to be affixed outside the lodging house.— (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered lodging house" in some conspicuous place on the

(2) The keeper of a lodging house and every other person having the care or taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

107. Cancellation of registration by Court.— When the registered keeper of a lodging house is convicted of an offence under this Chapter or under Section 64 or a rule or bye-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as the Court thinks fit for being again registered as such keeper.

CHAPTER XII

Food Control

108. Prohibition of sale of unsound food.— (1) No person shall—

(a) sell, expose or hawk about for sale, or keep, store or prepare for sale, any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall unless and until the contrary is proved, presume—

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

109. Punishment for contravening provisions of Section 108, through others.— (1) Any person who does any of the acts mentioned in sub-section (1) of Section 108 or in clauses (a) to (d) of sub-section (1) of Section 5 of the Madras Prevention of Adulteration Act, 1918[39A] through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

110. Flesh of dead animal not to be consumed.— No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

Explanation:— It shall be no defense to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle or on any other ground.

111. Importing meat into local area.— (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughter-house maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any Officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit, or

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39A. Repealed by the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954).

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

112. Power of Health Officer to enter premises used for food trade.— The Health Officer may, without notice, enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing, the same.

113. Powers of Health Officer to deal with carriers of disease handling food.— (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

114. Investigation of diseases caused by milk or dairy produce.— (1) If the Health Officer has reason to believe—

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

115. Inspection of dairy by Health Officer.— (1) The Health Officer may inspect any dairy referred to in Section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may either—

(a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food; subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall, sell or supply any milk or dairy produce in contravention of the provisions of this section.

CHAPTER XIII

Fairs and Festivals

116. Notification of fairs and festivals by Government.— (1) The Government may, by notification—

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and

(b) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connection with which a notification under sub-section (1) has been issued.

117. Levy of pilgrim tax on travellers by inland waterways.— (1) The Government, or the local authority with the approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons leaving by inland waterways a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification.

(2) every such notification shall specify the rates at which the tax shall be levied:

Provided that the tax shall not exceed four annas in the case of passengers leaving by steam vessels, and two annas in the case of passengers leaving by other vessels including ferry boats.

(3) The Government shall have power to make rules regarding—

(a) the collection of the tax;

(b) the ascertainment of the expenses incurred in collecting the tax;

(c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority;

(d) in the case referred to in clause (c), the returns and the information to be furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority; and

(e) the decision of disputes between two or more local authorities.

118. Levy of tolls on vehicles.— (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification.

(2) The Government shall have power to make rules regarding—

(a) the collection of tolls;

(b) the composition of the tolls payable by any person;

(c) the seizure, detention, and disposal of any vehicle or animal in respect of which toll is not paid;

(d) the duty of the police to assist persons authorised to collect tolls, and the powers of the police in that behalf; and

(e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

119. Notice to be given of fair or festival.— (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or Health Officer of the local authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

120. Sanitary arrangements, etc.— The local authority within whose jurisdiction a fair of festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities, jointly shall make provision for—

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and proper preservation of such water;

(5) the accommodation of pilgrims and visitors; to such extent as may be practicable;

(6) the lighting of the fair or festival [40][centre];

(7) the supply by suitable persons of wholesome food at reasonable rates, and [40A][in such quantities as may be necessary], to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival [41][centre];

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

121. Health Officer to supervise the arrangements.— The arrangements mentioned in Section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in Section 120, or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned with their respective local areas.

122. Power to enter and seize unwholesome food.— (1) The Health Officer, or a Health or Sanitary Inspector or the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf may–

(a) enter and inspect any building or shop in the fair or festival [41][centre], which is a source of food-supply;

(b) for the purpose of inspection, have access to any source of water-supply on such

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40. Substituted for the word "site" by section 10 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

40A Substituted for the words "in sufficient quantities" by section 10 (ii) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

41. Substituted for the word "site" by section 11 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[41][centre] or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival [41][centre] which, he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2)(a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed; and any expenses incurred in this behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the local authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized; and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

123. Occupation of building, etc., required in connection with fair or festival.— (1) The local authority may, in case of emergency, with the sanction of the District Collector, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling-house in the notified fair or festival centre which in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds; hospitals, segregation sheds, latrines, and the like:

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

124. Control over private sources of water-supply.— (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

125. Licensing of houses to accommodate visitors to fair or festival.— (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival [42][centre] shall, not for purposes of gain, accommodate in the house visitors

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42. Substituted for the word "site" by section 12 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3)(a) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfillment of such condition, as he may specify.

[43][**125A. Extension of provisions of Chapter to certain areas.**— The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt or are expected to halt on their way to, or return from, such centre.]

CHAPTER XIV

Finance

126. Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.— If in respect of any fair or festival, any tax or toll is levied under Section 117 or Section 118 of this Act, or under Section 116 of the Madras District Municipalities Act, 1920, or Section 110 of the Madras Local Boards Act, 1920, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorise.

127. Earmarking of revenue by local authorities for expenditure on public health.— (1) Every municipality shall earmark not less than 30 percent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every district board or panchayat shall similarly earmark not less than 12 ½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as they may think fit in the case of any municipality or district board or any panchayat or class of panchayats.

(2)(a) The Government may, by notification, authorise any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification,

43. Inserted by section 13 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority, which is authorised by clause (a) shall be taken into account for the purpose of sub-section (1).

CHAPTER XV

Rules, bye-laws, penalties, etc.

128. Power of Government to make rules.— (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules–

(a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

129. Penalty for breach of rules.— (1) In making a rule under Section 81 the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable–

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

130. Procedure for making and the effect of rules.— (1) The power to make rules under this Act shall be subject to the following conditions:–

(a) A draft of the rules shall be published in the Official Gazette.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

131. Bye-laws by local authorities.— Any local authority may make bye-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

132. Breach of bye-laws.— In making a bye-law, the local authority may provide that a breach thereof shall be punishable–

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

133. Procedure for making or altering bye-laws.— In regard to bye-laws made by a local authority under Sections 131 and 132, the following provisions shall apply, namely:—

(a) In case the local authority is the Corporation of Madras, Sections 352, 353, 354 and 356 of the Madras City Municipal Act, 1919;

(b) in case the local authority is a municipality constituted under the Madras District Municipalities Act, 1920, Sections 309, 310 and 311 of that Act; [44][xxx]

(c) in case the local authority is a [44A][local board] constituted under the Madras Local Boards Act, 1920, Sections 204, 205 and 205-A of that Act.

[45][(d) in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1950, Section 114 of that Act.]

134. Penalties for offences against Act, etc.— (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of –

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation:— The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

135. Penalty for preventing entry of executive authority or Health Officer.— Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Miscellaneous

136. Appeal against decisions of Health Officer.— Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

137. Method of serving notices.— (1) When any notice is required to be given by this Act or by any rule, bye-law, regulation or order made under it, such notice shall be given—

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

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44. Omitted for the word "and" by section 135 (V) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

44A. Now district board.

45. Added by section 135 (V) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

138. Cognizance of offences against the Act.— No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-law made under it, unless complaint is made within three months of the commission of the offence, by the police, or the executive authority or the Health Officer, or by a person expressly authorised in this behalf by the local authority, the executive authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

[46][**138A. Power to compound offences.**— The executive authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may, by rules made by the Government, be declared compoundable.

The power to compound any offence so declared may also be exercised by such other authority or person, as may be authorised in that behalf by rules made by the Government].

139. Powers of police officers to arrest offenders against Act, etc.— Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or bye-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false.

140. Powers of executive officer and public health staff to arrest offenders against Act, etc.— (1) The executive officer of a local authority or any member of the public health establishment of a local authority not below the rank of a Health or Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer-in charge of the nearest police station as expeditiously as possible.

(2) The offences referred to in sub-section (1) are —

(a) offences against any of the provisions of this Act or of any rule or bye-law made thereunder; and

(b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction-

(i) Chapters VII to XIII, both inclusive, of the Madras City Municipal Act, 1919, read with Section 357 of that Act and Schedules VII and VIII thereto;

(ii) Chapters VII to XIII both inclusive, of the Madras District Municipalities Act, 1920, read with Section 313 of that Act and Schedules VII and VIII thereto;

(iii) Chapters VIII to XI, both inclusive, of the Madras Local Bodies Act, 1920, read with Section 207 of that Act and Schedules VIII and IX thereto;

[47][(iiia) Sections 79,81,82,84,85,87,88,90 to 92 and 123 of the Madras Village Panchayats Act, 1950, read with Section 115 of that Act and Schedules I and II thereto;]

(iv) Sections 53 and 73 of the Madras City Police Act, 1888;

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46. Inserted by section 14 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

47. Inserted by section 135 (vi) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(v) clauses (9) and (11) of Section 3 and Sections 4 and 10 of the Town Nuisances Act, 1889; and

[48][(vi) Section 5 of the Madras Prevention of Adulteration Act, 1918.]

[49][**141. Procedure after arrest.**— Any person arrested for an offence under this Act shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.]

142. Bar of suits and prosecutions in certain cases.— (1) No suits, prosecution or other proceeding shall lie against any local authority or any executive authority or a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under Section 12 of this Act, for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 12 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the Act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or order this Act.

143. Punishment for malicious abuse of powers.— Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under Section 12 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Explanation:— No prosecution shall be instituted under this section without the previous sanction of the Government.

[50][**143A. Delegation of powers by Government.**— The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority:

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act or to their powers under Sections 2 (2), 2 (3) (b), 8 (2), 127 (1) and 145].

[51][**143B. x x x x**]

144. Act to override other enactments.— If any provision relating to public health contained in any other enactment in force in the [52][State] of Madras is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

145. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of the Act, the Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

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48. Now the prevention of Food Adulteration Act, 1954.
49. Substituted for original section 141 by the Adaptation (Amendment) Order, 1950.
50. Inserted by section 15 of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).
51. Omitted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
52. Substituted for the word "Province" by Adaptation Order, 1950.

SCHEDULE I

Ordinary Penalties

[See Section 134 (1)]

Section	*Sub-Section or clause*	*Subject*	*Fine which may be imposed*
1	*2*	*3*	*4*
24	(2)	Failure of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc. in good repair, to cleanse it, or protect, etc.	Fifty rupees
26	...	Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water	Fifty rupees
28	(1)	Failure to comply with notice to provide efficient drainage	Fifty rupees
29	..	Failure to comply with notice requiring to connect a house drain with an outside drain	Fifty rupees
30	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land	One hundred rupees
31	...	Failure to comply with notice for paving or raising the level of any court-yard, etc.	Fifty rupees
32	(1)	Unlawful construction of cess-pool or construction of cess-pool on unapproved site	Fifty rupees
	(2)	Failure to comply with notice requiring removal or closure of cess-pool	Fifty rupees
33	...	Occupying or permitting occupation of new building without drain	One hundred rupees
34	...	Letting out sullage or sewage into a street, etc.	Fifty rupees
35	...	Discharging injurious, refuse, etc., into a drain	One hundred rupees
36	...	Polluting water-course	One hundred rupees
38	...	Constructing or re-constructing a building intended for human habitation without a sanitary convenience	Fifty rupees
39	...	Failure to comply with notice regarding provision of sanitary conveniences or latrines	Fifty rupees
40	(1)	Failure to construct and maintain latrines in the prescribed manner	Fifty rupees
	(2)	Failure to comply with notice regarding removal or improvement of latrines	Fifty rupees
	(3)	Causing injury to latrines	Fifty rupees
44	...	Failure to comply with notice to abate nuisance	Fifty rupees
46	...	Failure to comply with Magistrate's order prohibiting the use of a house or building	One hundred rupees
51	(1)	Depositing filth, rubbish, etc., in streets	Twenty-five rupees
	(2)	Easing or permitting a member of the family to ease in a street, etc.,	Twenty-five rupees

	(3)	Failure to cover excreta with earth	Five rupees
56	...	Failure to give information regarding existence of certain infectious diseases	Five rupees
57	(2)	Failure to comply with notice prohibiting the use of unwholesome water	One hundred rupees
59	...	Exposing other persons to infection	Twenty-five rupees
60	(a)	Infected persons carrying on trade in articles of food	Fifty rupees
	(b)	Infected persons engaging in other occupations without permit	Fifty rupees
64	...	Failure to give information of notified diseases	Ten rupees
67	...	Failure to close lodging houses, etc.	One hundred rupees
68	...	Sending infected clothes to a laundry or depositing infected articles in receptacle for refuse matter	Fifty rupees
69	(1), (2) (3) & (5)	Using or permitting use of public conveyance by an infected person	Fifty rupees
70	...	Letting or sub-letting of infected building without a permit	Fifty rupees
71	...	Exposing other persons to infection	Fifty rupees
72	(1)	Failure to comply with notice forbidding work in infected premises	Fifty rupees
73	...	Use of books from public libraries by infected persons, etc.	Fifty rupees
74	1,2,4 &5	Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc. etc.	Fifty rupees
75	...	Failure to comply with order prohibiting assemblages of [53][more than 50 persons]	One hundred rupees
[54][76	(2)	Failure to comply with any order or direction issued by the Collector or other officer	One thousand rupees
77	(1)	Failure to take steps for the destruction of rats, mice, etc	Twenty rupees
	(2)	Failure to comply with the notice for the destruction of rats, mice, etc.	Fifty rupees
79	...	Failure to give instructions to the person having veneral disease and failure to furnish the required information	Twenty rupees
84	(1)	Failure to comply with notice requiring steps to be taken against breeding of mosquitoes	Fifty rupees
86	...	Permitting the deterioration of works relating to prevention of the breeding of mosquitoes	Two hundred rupees
87	(1)	Injuring or destroying anti-mosquito works	Five hundred rupees
92	(a)	Construction of factories, workshops, etc., in residential areas	One thousand rupees

53. Substituted for the words and figure "50 or more persons" by section 16 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).
54. Inserted by section 16 (ii) Madras Public Health (Amendment) Act, 1941.

	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed	Five hundred rupees
94	...	Illegal erection of building on incinerate ground	Two hundred rupees
96	2 & 3	Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling-house	Two hundred rupees
	[55][x x x x]		
99	(a)	Failure to maintain a tenement in a habitable condition	Fifty rupees
	(b)	Causing or permitting a tenement to be over-crowded	Fifty rupees
101	...	Keeping a lodging house or receiving a lodger without registration	One hundred rupees
106	(1)	Failure to affix notice	Ten rupees
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house	One hundred rupees
108	(1)	Selling, etc., unsound meat or food	One hundred rupees
109	...	Selling, etc., unsound meat or food through others	One hundred rupees
110	...	Consuming the flesh of any animal which has died of natural causes	One hundred rupees
111	(1)	Unlawfully importing meat from outside local area	One hundred rupees
113	(2)	Infected person carrying on trade, etc., in articles of food	One hundred rupees
114	...	Failure to furnish information regarding the sources of supply of milk or dairy produce	Fifty rupees
115	(5)	Failure to comply with the order prohibiting the supply of milk or dairy produce	Two hundred rupees
119	...	Failure to inform the proper authority about the date and other particulars regarding fair or festival	Fifty rupees
124	...	Failure to comply with notice to close or disinfect source of water-supply	One hundred rupees
129	1 & 3	Accommodating visitors without licence, or infringing conditions of licence	Fifty rupees

SCHEDULE II

Penalties for Continuing Breaches

[See Section 134 (2)]

Section	*Sub-Section or clause*	*Subject*	*Fine which may be imposed*
1	*2*	*3*	*4*
24	(1)	Failure of the owner or other persons having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc.	Ten rupees

55. Omitted by section 16 (iii) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

26	...	Continuing to occupying a dwelling house or to permit its occupation without a supply of wholesome water	Ten rupees
28	(1)	Failure to comply with notice to provide efficient drainage	Ten rupees
29	..	Failure to comply with notice requiring to connect a house drain with an outside drain	Ten rupees
30	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land	Twenty rupees
31	...	Failure to comply with notice for paving or raising the level of any court-yard etc.	Ten rupees
32	(2)	Failure to comply with notice requiring removal or closure of cesspool	Ten rupees
34	...	Letting out sullage or sewage into a street, etc.	Ten rupees
35	...	Discharging injurious refuse, etc., into a drain	Twenty rupees
36	...	Polluting water-course	Ten rupees
38	...	Constructing or reconstructing a building intended for human habitation without a sanitary convenience	Ten rupees
39	...	Failure to comply with notice regarding provision of sanitary conveniences of latrines	Ten rupees
40	(2)	Failure to comply with notice requiring removal or improvement of latrines	Ten rupees
44	...	Failure to comply with notice to abate nuisance	Ten rupees
46	...	Failure to comply with Magistrate's order prohibiting the use of a house or building	Twenty rupees
57	(2)	Failure to comply with notice prohibiting the use of unwholesome water	Twenty rupees
59	...	Exposing other persons to infection	Five rupees
60	(a)	Infected persons carrying on trade in articles of food	Ten rupees
60	(b)	Infected persons engaging in other occupations without permit	Ten rupees
67	...	Failure to close lodging houses, etc.	Twenty rupees
71	...	Exposing other persons to infection	Ten rupees
72	(1)	Failure to comply with notice forbidding work in infected premises	Ten rupees
[56][76	(2)	Failure to comply with any order or direction issued by the Collector or other officer]	One hundred rupees
77	(1)	Failure to take steps for the destruction of rats, mice, etc.	Five rupees
	(2)	Failure to comply with notice for the destruction of rats, mice etc.	Five rupees
84	(1)	Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes	Ten rupees

56. Inserted by section 17 (i) of the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

92	(a)	Construction of factories, workshops, etc., in residential areas	Two hundred rupees
	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed	One hundred rupees
96	2 & 3	Failure to cease to inhabit a dwelling house declared unfit for human habitation; or permitting it to be let or occupied as a dwelling house	Fifty rupees
	[57][x x x x]		
99	(a)	Failure to maintain a tenement in habitable condition	Twenty rupees
	(b)	Causing or permitting a tenement to be overcrowded	Twenty rupees
101	...	Keeping a lodging house or receiving a lodger without registration	Fifty rupees
106	(1)	Failure to affix notice	Fifty rupees
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house	Fifty rupees
108	(1)	Selling, etc., unsound meat or food	Twenty rupees
109	...	Selling, etc., unsound meat or food through others	Twenty rupees
113	(2)	Infected person carrying on trade, etc., in articles of food	Twenty rupees
115	(5)	Failure to comply with the order prohibiting the supply of milk or dairy produce	Fifty rupees
124	...	Failure to comply with notice to close or disinfect source of water supply	Twenty-five rupees
125	(1) & (3)	Accommodating visitors without licence or infringing conditions of licence	Twenty rupees

*INFECTIOUS DISEASES (GENERAL) RULES, 1940

In exercise of the powers conferred by Sections 81 and 128 and sub-section (1) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. These rules may be called the Infectious Diseases (General) Rules, 1940.

2. (1) If in any premises there is any case of cerebro-spinal fever, or chickenpox, the Health Officer or any one authorised by him in that behalf may put up or affix a notice, board or placard at the entrance to such premises to indicate the presence of such disease in such premises.

(2) No person shall destroy, tamper with, pull down, injure or deface such notice, board or placard.

3. If an officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector, has reasonable grounds, to believe that in any premises, any person is suffering or has recently suffered from a notified disease, he may if he considers that for the purpose of preventing the spread of such disease an examination of such person is necessary, examine or cause to be examined such person with a view to ascertain whether he is suffering or has recently suffered from such disease:

Provided that in the case of women such examination shall as far as practicable be conducted by a woman:

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57. Omitted by section 17 (ii) of the Madras Public Health (Amendment) Act, 1941.

* Published in Fort. St. George Gazette Dt. 5-7-1940 as G.O. No. 2959, P.H.

Provided further, that in the case of persons living in dwelling houses, the examination shall be made after giving such notice as may appear to such officer to be reasonable.

4. The owner or occupier of such premises shall give such facilities and furnish such information as may be required for the diagnosis of the case, or for the investigation of the source of infection of such disease.

5. If any person suffering from a notified disease (hereinafter referred to as the patient) is removed from one premises to another when in the same or another village or municipality, the person in charge of the patient shall give intimation to the village headman, Health Officer or Health or Sanitary Inspector having jurisdiction over the place from which the patient is to be removed of his intention to remove the patient from the place, at least two days before the removal takes place and shall also give particulars of the place to which the patient is to be removed. He shall also intimate the removal without delay to the village headman, Health Officer or Health or Sanitary Inspector having jurisdiction over the place to which the patient is removed and shall also give particulars of the place from which the patient has been removed. The removal shall be effected after adopting all proper precautions for preventing the spread of infection.

6. If, in the event of the prevalence of cerebro-spinal fever, chickenpox, cholera, diphteria, measles, plague or smallpox, in a local area the Health Officer is of opinion that it is necessary that the whole or any particular department of an educational institution in the local area should be closed in the interests of the pupils or students studying in such institution, he may by notice in writing direct the teacher or person in charge of the institution, to close such institution or any particular department of such institutions the expiry of such period as may be specified in the notice.

7. If any one studying or employed in an educational institution is suffering from an infectious disease, or if there is a case of infectious disease in the residence of such person; the teacher or person in charge of the institution shall intimate the fact to the Health Officer, Health Inspector or Sanitary Inspector having jurisdiction over the local area, and shall carry out such directions as may be issued in this behalf by such Health Officer, Health Inspector or Sanitary Inspector.

8. If the teacher or person in charge of an educational institution in a local area knows or has reason to believe that any pupil, student or employee in such institution is or has been suffering from, or has been exposed to infection from cerebro-spinal fever, chickenpox, cholera, diphteria, measles, plague or smallpox, he shall exclude from the institution such pupil, student or employee until a medical practitioner registered under the Madras Medical Registration Act, 1914, or an Officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector certifies in writing that such pupil, student or employee may attend the institution without risk of the spread of infection.

9. In the event of the prevalence or threatened outbreak of a notified disease in any local area, the Health Officer shall, as far as may be practicable, supply on the written application of a medical practitioner registered under the Madras Medical Registration Act, 1914, vaccines for vaccination or preventive inoculation with respect to such notified disease on payment of the cost to be fixed by Government by a general or special order.

10. (1) Any medical practitioner to whom vaccine is supplied under Rule 9 shall—

(a) maintain such records and in such form, and

(b) Submit to the Health Officer such returns and in such form, as may be required by the [1][Director of Health Services].

(2) Such medical practitioner shall be bound to issue a certificate of vaccination or preventive inoculation as the case may be, free of charge to any person who has been vaccinated or given preventive inoculation by such practitioner.

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1. Substituted by Kerala Decentralisation of Powers Act 2000, (Act 16 of 2000) published in Kerala Gazette Extraordinary No.869 dt. 12-5-2000. Prior to the substitution it read as under: "Director of Public Health"

11. If the Health Officer is of opinion that any vaccination or preventive inoculation has not been done properly or with an approved vaccine, or that any certificate of vaccination or preventive inoculation has been improperly or fraudulently obtained, he may cancel such certificate and the person on whom such vaccination or inoculation has been done or to whom such certificate has been given shall be deemed not to have been vaccinated or given preventive inoculation.

12. No local authority or Health Officer shall obtain vaccines or biological products except from the Government laboratory or from such institutions as may from time to time be approved by the Government.

13. Whoever—

(a) obstructs the Health Officer, Health Inspector, Sanitary Inspector or any officer or servant of the Government or local authority in the discharge of his duties under these rules, or

(b) contravenes any provision of these rules, or

(c) disobeys, or fails to comply with any order given or requisition made in pursuance of these rules shall be punishable with imprisonment which may extend to three months or with fine or with both.

*INFECTIOUS DISEASES (PREVENTION OF INFECTION THROUGH ANIMALS) RULES, 1940

In exercise of the powers conferred by Sections 81 and 128 and sub-section (1) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. These rules may be called the Infectious Diseases (Prevention of Infection Through Animals) Rules, 1940.

2. The Health Officer may seize and destroy any carcass which shows signs of tapeworm or tuberculosis infection. No claim for damages shall lie on account of such seizure or destruction.

3. No person shall feed or permit to be fed on human excreta any animal which is kept for dairy purposes or may be used for food, or allow such animal to have access to such excreta.

4. No person shall convey the carcass or any part of the carcass of any animal which has died while suffering from glanders, rinderpest or foot-and-mouth disease, in a public conveyance unless such carcass or part has been completely wrapped in a sheet soaked in a solution of cresol of the strength of 1 in 50 or izal of the strength of 1 in 100 or any other disinfectant approved by the Health Officer.

5. A public conveyance in which the carcass or any part of the carcass of any animal which has died suffering from any of the diseased mentioned in Rules 2 and 4 has been conveyed shall not be used again for the conveyance of passengers or goods unless conveyance has been properly disinfected and a certificate to that effect obtained from an officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector.

6. Whoever commits a breach of Rules 3, 4 or 5 shall be punishable with imprisonment which may extent to three months or with fine or with both.

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* Published in Fort St. George Gazette dt. 26-3-1940 as G.O.M.S.No. 1019 P.H. 12-3-1040.

*RULES PROHIBITING THE TRAVELLING OF PERSONS OTHER THAN A MEDICAL ATTENDANT, ETC., IN A PUBLIC CONVEYANCE USED FOR CARRYING A PERSON SUFFERING FROM A NOTIFIED DISEASE

In exercise of the powers conferred by Sections 81 and 128 and sub-section (1) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency of Governor of Madras is hereby pleased to make the following rules:—

1. The owner, driver or other person in charge of a public conveyance not provided with benches or berths, shall not when a person whom he knows to be suffering from a notified disease is conveyed in such conveyance, allow any person except a medical attendant, nurse, relative or other person in charge of the person suffering from the notified disease to travel in such conveyance:

Provided that nothing contained in this rule shall apply to a public conveyance to which the notification under sub-section (3) of Section 69 of the Madras Public Health Act, 1939, published at page 772 of Part I-A of the Fort St. George Gazette, dated 14th November 1939, applies.

2. Whoever commits a breach of rule 1 shall be punishable with imprisonment which may extend to three months or with fine or with both.

*RULES RELATING TO THE PREVENTION OF SPREAD OF NOTIFIED DISEASES BY THE TRANSPORT OF ARTICLES

BY MEANS OF PUBLIC CONVEYANCES

In exercise of the powers conferred by Sections 81 and 128 and sub-section (1) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules.—

1. No person shall take or cause to be taken in any public conveyance any article which he knows, or has reason to believe has been exposed to infection from any notified disease, without previously disinfecting such article:

Provided that nothing in this rule shall apply to the conveyance of any article in a public conveyance for the purpose of having it disinfected after taking such proper precautions as may be specified in writing by an officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector.

2. No owner, driver or conductor of a public conveyance shall be bound to carry any article which he knows, or has reason to believe, has been exposed to infection from any notified disease, or the body of any person who has died while suffering from such disease, unless and until he is paid or tendered a sum sufficient to cover any expense that may be incurred in disinfecting such conveyance.

3. No owner, driver or conductor of a public conveyance, shall in contravention of Rule 1 carry or permit to be carried in such conveyance any article which he knows or has reason to believe, has been exposed to infection from any notified disease.

4. If the body of any person who has died while suffering from a notified disease, or any article which has been exposed to infection from a notified disease, is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to an officer of the Public Health Department not below the rank of Health or Sanitary Inspector of the total area

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* Published in Gazette dt. 5-3-1940 as G.O.No.708/ P.H. dt. 26-2-1940.

* Published in the Fort St. George Gazette dt. 15-12-1939 as G.O.No.4382/P.H.

in which the conveyance is usually kept, and before permitting any other person to enter such conveyance or any other article to be carried in such conveyance, shall cause it to be disinfected.

5. The body of any person who has died while suffering from a notified disease shall not be conveyed in a public conveyance unless such body has first been suitably disinfected with such disinfectants as the Health Officer may from time to time determine or unless it is covered with cloth so disinfected.

6. The owner, driver or conductor of a public conveyance shall stop it if so required by any other officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector for the purpose of inspection or disinfection or both.

7. Whoever commits a breach of Rules 1, 3, 4, 5 or 6 shall be punishable with imprisonment which may extend to three months or with fine or with both.

*PROTECTION AND EXAMINATION OF SOURCES OF WATER SUPPLY RULES, 1940

In exercise of the powers conferred by Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. These rules may be called the Protection and Examination of Sources of Water-supply Rules, 1940.

2. (1) Before taking action under Section 24 of the Madras Public Health Act, 1939, in regard to any lake, spring, well, tank, reservoir, pond or other sources of water-supply (not being a running water course such as a river, stream or canal) which is used for drinking, the Health Officer may, at any time by written notice require the owner of or any person having control over, such lake, spring, well, tank, reservoir, pond or other source of water-supply to have samples of water from such lake, spring, well, tank, reservoir, pond or other source of water supply analysed within a reasonable time to be specified in the notice, in the King Institute of Preventive Medicine, Guindy, or in any other institution recognized for the purpose by the Government from time to time.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-rule (1) within the time specified therein, the Health Officer may himself arrange for the analysis of samples of water from the source of water-supply concerned, in the King Institute of Preventive Medicine, Guindy, or in any other institution recognized for the purpose by the Government from time to time.

3. All the expenses in connection with the analysis of samples of water from any of the sources of water-supply referred to in Rule 2 shall be paid from the funds of the local authority concerned.

**RULES FOR THE PROTECTION FROM CONTAMINATION OF THE SOURCE OF WATER SUPPLY AND PROVISION OF ADDITIONAL SOURCE OR SOURCES

In exercise of the powers conferred by sub-clause (1) of Clause (b) of sub-section (4) of Section 20 and sub-section (2) of Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to issue the following rule:—

The publication under sub-clause (i) of Clause (b) of sub-section (4) of Section 20 of the

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* Published in Fort St. George Gazette dt. 24-7-1940 as G.O. No.3294, P.H.

** Published in Fort St. George Gazette dt. 5-3-1940 as G.O. No.748

Madras Public Health Act, 1939, of a notice issued under sub-section (2) of the section shall be made in the following manner, namely:—

(i) by affixation of copies of the notice in English and in the language or languages of the district in a conspicuous position at or near the source or sources of water-supply; and

(ii) by beat of drum in the local area to which water is, or is proposed to be, supplied from the source of water-supply.

*THE LODGING HOUSES (UPKEEP AND MAINTENANCE) RULES, 1940

In exercise of the powers conferred by Section 16 and sub-section (1) and Clause (a) of sub-section (2) of Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. These rules may be called the Lodging Houses (Upkeep and Maintenance) Rules, 1940.

2. In these rules, unless there is anything repugnant in the subject or context "keeper of a lodging house" includes his deputy.

3. (1) Every person applying to the executive authority for registration or for the renewal of his registration as a keeper of a lodging house shall specify in his application the following particulars:—

(a) his full name and place of residence;

(b) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house;

(c) the full name and place of residence of the owner of the premises;

(d) the situation of the lodging house;

(e) the total number of rooms in the lodging house, the dimensions of each room and the purpose or purposes for which each room is proposed to be used; and

(f) the other space such as verandahs, open spaces, and yards available in the lodging house.

(2) He shall submit a plan of the lodging house in duplicate showing the details specified in Clauses (e) and (f) of sub-rule (1) at the time of registration and also whenever there is any alteration in the plan of the lodging house.

4. Premises used as a lodging house shall be constructed of masonry or of such other durable material as may be approved by the Health Officer or executive authority and no part thereof shall be constructed of inflammable materials:

Provided that in the case of any premises used as a lodging house temporarily for a period not exceeding two weeks the provisions of the rule may be waived by the Health Officer or executive authority.

5. Every room in lodging house intended for habitation by the lodgers shall have windows opening into the external air or into a verandah opening into the external air. The total area of such windows shall not be less than 10 percent of the floor area of such room, and all such windows shall be maintained in good order and efficient action.

6. The keeper of a lodging house shall not permit any room wholly or partly used for habitation to be occupied at any one time by a greater number of persons than will allow 40 square feet of floor space and 400 cubic feet for each person exceeding 10 years of age and 95 square feet of floor space and 250 cubic feet for each person not exceeding 10 years of age:

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* Published in the Fort St. George Gazette dated 23rd January 1940, as G.O. No. 218 P.H.)

Provided that the Health Officer may relax the restriction regarding the above dimensions by 25 percent if the area of the windows referred to in Rule 5 exceeds 15 percent of the floor space of the room:

Provided further that if the average height of the room is less than 10 feet the floor space specified above shall be increased in the proportion of one tenth for every foot or part of a foot by which the average height falls short of 16 feet.

7. When separate rooms are not provided for the exclusive use of individual lodgers or families, the helper of a lodging house shall provide separate accommodation for the exclusive use of lodgers of each sex:

Provided that nothing contained in this rule shall apply to the accommodation of persons below 10 years of age.

8. No person of either sex not below 10 years of age shall use or occupy any room which may be used or occupied as a sleeping apartment by persons of the other sex not below 10 years of age:

Provided that this rule shall not be taken to prohibit the occupation by a husband and wife and members of their family of any room provided for their exclusive use.

9. The keeper of a lodging house, shall, if directed by the Health Officer, put up in each habitable portion of the premises of the lodging house a board notifying the dimensions of such portion and the maximum number of persons permitted to lodge therein.

10. Every year the keeper of a lodging house shall cause every part of the internal surface of the walls and ceiling of every building in the premises to be hot-lime washed at such intervals as may be specified by the Health Officer:

Provided that, if any walls or ceiling have been painted, distempered, or covered with paper, such paint or distemper or paper shall be renewed as and when required by the Health Officer.

11. The keeper of a lodging house shall provide such drains as may be necessary effectively to drain the premises and shall cause all such drains to be maintained at all times in good order and efficient action.

12. The keeper of a lodging house shall cause every part of the flooring in the premises to be paved, or otherwise made impervious, and drained to the satisfaction of the Health Officer or Executive Authority and such flooring shall at all times be kept in good order and repair.

13. (1) The keeper of a lodging house shall cause the floor of every room and passage and every stair in the premises to be at all times in a thoroughly clean condition.

(2) He shall cause every yard, area, and other open space within the premises to be maintained at all times in good order and to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such yard, area and other open space in a clean condition.

(3) He shall provide suitable air-tight non-absorbent covered receptacles in suitable places in the premises of the lodging house for the deposit of all refuse matter and such receptacles shall be emptied at least once in every 24 hours.

(4) He shall prevent any accumulation of refuse or filth in the premises.

14. (1) The keeper of a lodging house shall provide in the premises sufficient and suitable arrangements for the storage of a sufficient quantity of wholesome water available at all times for the use of the lodgers for drinking purposes. If there is no continuous system of drinking water-supply in the premises the water stored shall not be less than one gallon per lodger per day.

(2) The keeper of a lodging house shall also provide in the premises water available at all times for the use of the lodgers for other purposes. If there is no continuous system of water supply in the premises the water stored shall not be less than 10 gallons per lodger per day.

(3) If the water, whether for drinking or other purposes, is not obtained from the piped water-supply system in the local area, it shall be derived from such source or sources as may be approved by the Health Officer.

15. (1) The keeper of a lodging house shall provide in the premises suitable bathing rooms separately for the use of persons of each sex.

(2) The number of bathing rooms to be provided shall be on the following scale:-

(a) If the number of lodgers does not exceed 25, a minimum of one bathing room for the exclusive use of each sex.

(b) If the number of lodgers exceeds 25, one bathing room for each sex for every 25 persons or fraction thereof.

16. The keeper of a lodging house shall provide in the premises adequate facilities to the lodgers for washing their clothes.

17. (1) The keeper of a lodging house shall provide separate latrines, suitably situated, for the exclusive use of members of each sex.

(2) The number of latrines to be provided shall be on the following scale:—

(a) If the number of lodgers does not exceed ten, one latrine seat for the exclusive use of each sex.

(b) If the number of lodgers exceeds ten, one latrine seat for each sex for every ten lodgers or fraction thereof.

(3) When two or more latrine seats are provided each seat shall be separated from the other by a wall or partition so constructed as to secure adequate privacy for each user thereof.

(4) The keeper of a lodging house shall provide in or near the latrines a sufficient supply of water for the users of the latrines.

18. (1) Every latrine in a lodging house, unless it is a flush-out latrine (i) shall have a separate entrance from the external air, (ii) shall not open into any room in the premises of the lodging house and (iii) shall be located at a distance of not less than 10 feet from the rest of the building and 20 feet from a drinking water source.

(2) Latrines not of a flush-out design, shall be of such type and design as may be approved by the Health Officer.

(3) The keeper of a lodging house shall be responsible for making adequate arrangements for cleaning the latrines and maintaining them clean fit for use at all times.

(4) Clauses (ii) and (iii) of sub-rule (1) and sub-rule (2) shall not apply to bath rooms provided with sanitary commodes.

19. No person shall use any place within the premises of a lodging house other than a latrine or a bath room provided with a sanitary commode for easing himself.

20. The keeper of a lodging house shall not employ or continue to employ in, or admit into, the lodging house any person whom he knows or has reason to believe to be suffering from an infectious disease.

21. When a case of infectious disease exists or is suspected to exist in a lodging house, the keeper of the lodging house shall afford every facility to any officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector to examine or cause to be examined any of the lodgers or persons employed in such premises, and he shall not receive, if so directed by the Health Officer, any lodger in the lodging house until such time as may be specified by the Health Officer.

22. (1) If the keeper of a lodging house knows or has reason to believe that any lodger in the premises of such a lodging house is suffering from any infectious disease (i) he shall give or cause to be given immediate notice of the occurrence of such disease to the Health Officer or the executive authority or any officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector and (ii) he shall segregate such lodger in a separate room and shall adopt all such measures as may be necessary to prevent the spread of

infection and carry out such orders as may be issued in this behalf by the Health Officer or executive authority.

(2) He shall not at any time, while a lodger is suffering from an infectious disease, cause or allow any other person except a relative of such lodger or a person attending on such lodger to use or occupy the same room as such lodger.

(3) He shall immediately after the death, removal or recovery of any lodger who has been suffering from an infectious disease, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected and shall also cause every article in such room which may be liable to retain infection to be in like manner cleansed and disinfected to the satisfaction of the Health Officer.

23. The keeper of a lodging house shall not cause or suffer to be used as a sleeping apartment any room intended for use as a kitchen, scullery, store room or lumber room.

24. (1) If in a lodging house, beds, mattresses and pillows are provided for the use of lodgers, the keeper of the lodging house shall not allow any lodger to use any bed, mattress or pillow which has been used by another lodger until the same has been thoroughly cleaned, aired and exposed to the sun.

(2) The keeper of a lodging house shall not allow any lodger to use any bed covers, pillow covers or sheets which have been used by another lodger until the same have been thoroughly washed and cleaned.

25. The keeper of a lodging house shall, when a lodger vacates a room, have it thoroughly cleaned and aired before allowing it to be occupied by another lodger.

26. The keeper of a lodging house shall not use or cause to be used any part of the premises for storing or keeping any inflammable material or any article which is dangerous or detrimental to the health or safety of the lodgers.

27. The keeper of a lodging house shall not allow any part of the premises to be used in a manner likely to be nuisance.

28. (1) The keeper of a lodging house shall maintain in such form as may be specified by the Health Officer a register showing the full names and permanent addresses of all the lodgers halting in the premises.

(2) This register shall be produced by the keeper of the lodging house at any time on demand by the Executive Authority or an Officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector.

(3) Nothing contained in the rule shall apply to a choultry, chatram or dharmasala which has no regular manager or clerk.

29. Every keeper of a lodging house shall, if required by the Health Officer or Executive Authority, put up in a conspicuous place in the premises a copy of these rules and of other rules and bye-laws relating to the regulation and control of the premises and shall not at any time conceal, deface, alter, obliterate or destroy any portion of such rules or bye-laws.

30. The keeper of a lodging house or his deputy shall be present at the premises at all hours during day and night.

31. Whoever commits a breach of the provisions of Rules 3 to 30 shall be punishable (a) with fine which may extend to fifty rupees and in case of continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach or (b) with fine which may extend to ten rupees for every day during which the breach continues for receipt of notice from the executive authority or the Health Officer to discontinue such breach.

RULES REGARDING REGISTRATION FEES OF LODGING HOUSES

In exercise of the powers conferred by sub-section (1) of S.103 and Clause (a) of sub-section (2) of Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. The fee payable for registration or renewal of registration of a person as a keeper of a lodging house shall be as follows:

Provided that no fees shall be charged in respect of a lodging house wherein no charges are levied from the lodgers either for boarding or for accommodation.

[1][Where the monthly rent for the lodging house or its monthly rental value is	Registration fee for lodging house	
	Without lodging facilities	With lodging facilities
(1)	(2)	(3)
A. City of Madras		
1. Rs. 50 and below	20	100
2. Exceed Rs. 50 but not exceed Rs.100	50	150
3. Exceed Rs. 100 but not exceed Rs.200	75	225
4. Exceed Rs. 200 but not exceed Rs.400	100	300
5. Exceed Rs. 400 but not exceed Rs.750	150	450
6. Exceed Rs. 750 but not exceed Rs. 1500	200	600
7. Exceed Rs. 1500	200	750
B. Local and Municipal areas other than the City of Madras		
1. Rs. 20 and below	10	30
2. Exceed Rs. 20 but not exceed Rs. 50	20	60
3. Exceed Rs. 50 but not exceed Rs. 100	50	150
4. Exceed Rs. 100 but not exceed Rs.200	75	225
5. Exceed Rs. 200 but not exceed Rs.400	100	300
6. Exceed Rs.400	150	450]

**PRIVATE SANITARY CONVENIENCES (CONSTRUCTION, MAINTENANCE AND SUPERVISION) RULES, 1941

In exercise of the powers conferred by Sections 40(1) (b) and 128 and sub-section (2) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency, the Governor of Madras is pleased to make the following rules:—

PART I

General

1. These rules may be called the Private Sanitary Conveniences (Construction, Maintenance and Supervision) Rules, 1941.

2. Every latrine shall be provided with a suitable doorway having a properly fitted door or screen, which shall be maintained at all times in good order.

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* Published in the Fort St. George Gazette dt. 5-3-1940, as G.O. No.668 H.P.

1. Substituted by G.O. No. 768 published in Fort St. George Gazette dt. 14-4-1954.

** Published in Fort St. George Gazette of 4.11.1941 as G.O.No. 3971 P.H.

3. The floor of every latrine shall be of non-absorbent material and shall in every part be at least three inches higher than the surface of the adjoining ground and be suitably graded.

4. When two or more seats are provided in a latrine, each seat shall be separated from the other or others by a partition so constructed as to secure privacy to the persons using such latrines.

5. The occupier of any premises shall cause every latrine in such premises to be maintained at all times in good order.

6. The occupier of any premises shall, when so required by the Health Officer, provide and use disinfectants and other accessories for the disinfection of the latrine in such premises.

PART II

Water Closets

7. Water closets shall be in accordance with one or other of the type designs approved by the Sanitary Engineer or other authority empowered by the Government in this behalf. The work of installation should be done by a licensed plumber or under the supervision of a qualified person.

8. (1) No septic tank shall be constructed in any premises except in accordance with one of the type designs approved by the Sanitary Engineer or other authority empowered by the Government in his behalf. The work shall not be executed except by a licensed plumber or under the supervision of a qualified person.

(2) In the case of premises owned by the Government, the work shall not be brought into use unless it is certified that it has been properly constructed-

(a) by an officer of the Public Health Department of the Government or the local authority not below the rank of a Second-Class Health Officer; and

(b) by an Engineering Officer of the Government not below the rank of Assistant Engineer in the Madras Engineering Service.

(3) In the case of premises not owned by the Government the work shall not be brought into use—

(a) in a municipal area, unless it is certified that it has been properly constructed-

(i) by the municipal Health Officer or if there is no municipal Health Officer by an officer of the Public Health Department of the Government or of the district board of the district in which the municipality is situated, not below the rank of Assistant Health Officer, and

(ii) by the Municipal Engineer or if there is no Municipal Engineer by an Engineering Officer of the district board of the district in which the municipality is situated, not below the rank of Local Fund Assistant Engineer; and

(b) in other areas, unless it is certified that it has been properly constructed by the Assistant District Health Officer and by the Local Fund Assistant Engineer.

9. The water closet and septic tank and works connected therewith shall be maintained in proper order and except human excreta no garbage, refuse, or other matter, which is likely to obstruct or interfere with their proper working shall be placed or allowed in the water closet and septic tank systems.

10. For the purposes of this part a local authority may maintain a list of licensed plumbers or a register of qualified persons in accordance with the bye-laws framed by such local authority in this behalf.

PART III

Privy

11. Every person who constructs a privy in connection with a building shall comply with the following conditions:—

(a) The privy shall be so constructed that the entrance to it is from an open space or verandah and not directly from a habitable portion of the main building.

(b) It shall be situated at a distance of not less than 10 feet from any portion of the building which is used for habitation or for storing or preparing any articles of food or drink.

(c) It shall be situated at a distance of not less than 20 feet from any well, spring or stream of water used or likely to be used by men for drinking or for the manufacture of drinks for use of men:

Provided that this clause shall not be deemed to authorise the construction of a privy at any place, if it is likely to render the water in any such well, spring or stream liable to contamination.

(d) It shall be so situated that it shall have suitable means of access to the scavengers for cleaning and the removal of excreta:

Provided that Clauses (a), (b) and (c) of this rule shall not apply to bathrooms where commodes and chamber pots are used.

Note:- A privy is a latrine, which is not served by a water carriage system as well as one in which a bore or hole in the earth is not used to receive the excreta.

12. Every privy shall be provided with adequate means of lighting and ventilation.

13. The owner of any premises shall, if such premises are occupied by more than one family, provide for the use of each family separate latrine accommodation on the following scale:—

(a) In areas where there is water carriage system, one flush out seat for an ordinary family consisting of half a dozen members.

(b) In the case of dry earth latrine where bucket is used as a common receptacle, two seats with buckets for a small family of less than six members.

(c) In the case of other types of dry earth latrines, where no receptacles are used, at least three seats for each family:

Provided that the Health Officer may for reasons to be recorded in writing relax the provisions of this rule in any particular case —

(1) The owner of any premises shall, if so directed by the Health Officer, provide in the privy in such premises one or more movable galvanized and tarred receptacles for depositing excreta.

(2) Such receptacles shall be—

(a) so constructed and placed that their contents may not at any time be exposed to rain or discharge into any drain, or escape by leakage or otherwise from the receptacle.

(b) constructed of such materials as to prevent the absorption by the receptacles of any filth deposited therein.

(3) No such receptacle shall exceed one cubic foot in capacity.

14. If a receptacle for excreta has been provided in a privy in any premises,

(a) the whole of the containing walls of the space beneath the seat, except such opening as may be necessary for affording access to the space, shall be constructed so as to be impervious to moisture;

(b) the floor of the space beneath the seat shall be at least three inches above the surface of the adjoining ground;

(c) the seat, the aperture in the seat and the space beneath the seat shall be of such dimensions exceeding one cubic foot and be so placed and fitted beneath the seat as to prevent the deposit of any filth elsewhere than in such receptacle;

(d) adequate access for cleaning the space beneath the seat and for removing therefrom or placing therein the receptacle for filth shall be provided.

15. If the privy in any premises has been provided with a receptacle for the deposit of excreta, the occupier of such premises shall, if so directed by the Health Officer, keep a sufficient supply of dry earth or other deodorizing substance in a suitable vessel of adequate capacity and deposit or cause to or deodorizing substance in the receptacle after each use of the privy.

16. No person shall –

(i) in the removal of filth, use any chart or receptacle not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or

(ii) intentionally or negligently spill any filth in the removal thereof, or

(iii) omit to sweep and clean carefully every place in which any such filth has been spilled, or

(iv) place or set down in any public place any filth whether in a vessel closed or open.

17. No person shall place on the surface of the ground or otherwise dispose of human excreta in such a manner as is likely to contaminate any source of water which is used or likely to be used for drinking or any other domestic purposes.

PART IV

Bore-Hole Latrines

18. The rules in this part shall apply to bore-hole latrines only.

(1) The bore-hole latrine shall be so constructed that the entrance to it is from an open space and not directly from a habitable portion of the main building.

(2) It shall be situated at a distance of not less than 20 feet from the rest of the building.

(3) It shall be situated at a distance of not less than 40 feet from any well, spring or stream of water used or likely to be used by men for drinking or domestic purposes or for the manufacture of drinks for use of men:

Provided that this sub-rule shall not be deemed to authorize the construction of a bore-hole latrine at any place if it is likely to render the water in any such well, spring or stream liable to contamination.

19. Every bore-hole latrine shall comply with the following conditions:-

(a) its diameter shall not exceed 16 inches and its depth shall be not less than 12 feet;

(b) its sides shall be lined with matting or similar material if it is sunk in loose soil;

(c) a concrete squatting slab or a seat made of durable material and provided with suitable opening in the centre for the deposit of excreta shall be placed over the bore-hole;

(d) the squatting slab or seat shall rest on a secure foundation.

20. The occupier of a premises in which a bore-hole latrine has been provided shall fill or cause to be filled such latrines with earth if the level of the excretal contents therein is within three feet from the opening of the bore-hole.

21. If any bore-hole latrine is filled with earth in accordance with the provisions of Rule 20, the owner of the premises shall provide another bore-hole latrine for the use of the occupiers of such premises.

22. The occupier of a premises in which a bore-hole latrine is provided shall maintain it in such a condition as to check the breeding of flies, and shall adopt such measures as may be specified by the Health Officer for this purpose.

23. A bore-hole latrine which is intended or constructed for the deposit of human excreta shall not be used for depositing any other refuse.

PART VI

Penalties

25. Whoever contravenes—

(a) any of the provisions contained in any of these rules, or

(b) disobeys or fails to comply with any direction given or any requisition made in pursuance of these rules shall be punishable—

(i) with fine which may extend to Rupees 50/- and in case of a continuing breach which may extend to Rupees 5/- for every day during which the breach continues after conviction for the first breach, or

(ii) with fine which may extend to Rupees 10/- for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

*RULES REGARDING THE APPORTIONMENT OF COST OF ALTERATION OR RECONSTRUCTION OF DRAINS

In exercise of the powers conferred by sub-section (2) of Section 28 and Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rule:—

Where by reason of a local authority changing its system or drainage or undertaking a new system of drainage in lieu of an old system, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of that portion of the drain which is situated inside the premises shall be borne wholly by the owner and the cost of the reconstruction or alteration of that portion of the drain which is situated outside the premises shall be borne wholly by the local authority.

**THE MADRAS FAIRS AND FESTIVALS LICENSING OF HOUSES FOR RECEPTION OF VISITORS RULES, 1939

In exercise of the powers conferred by Section 125 and sub-section (1) and Clause (a) of sub-section (2) of Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. These rules may be called The Madras Fairs and Festivals Licensing of Houses for Reception of Visitors Rules, 1939.

2. (1) The owner or occupier of a house applying for a licence under Section 125 of the Madras Public Health Act, 1939 shall specify in the application the following particulars:-

(a) His full name and place of residence;

(b) the situation of the premises to be used for the accommodation of visitors for gain;

(c) the total number of rooms in the house, the dimensions of each room and the purpose or purposes for which each room is proposed to be used; and

(d) the other space such as verandahs, open spaces and yards available in the house.

(2) He shall remit with his application a fee of Rupees 2/- for every fifteen days or fraction thereof for which the licence is applied for.

(3) The licence granted shall be in the form appended to these rules.

3. No licence shall be granted unless the house is certified by an officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector as fit for the purpose of accommodating visitors.

4. The licence shall not permit any room wholly or partly used for habitation to be occupied at any one time by a greater number of persons than will allow 30 square feet of floor space and 300 cubic feet for each person exceeding ten years of age and 20 square feet of floor space and 200 cubic feet for each person not exceeding ten years of age.

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** Published in the Fort St. George Gazette dt. 9-1-1940 as G.O. No. 4712 P.H.

5. The license shall provide sufficient means of ventilation and lighting for every room in the premises and shall cause the means of ventilation and the lights to be maintained at all times in good order and efficient action.

6. The licensee shall not accommodate more than the number of visitors permitted in the licence.

7. When separate rooms are not provided for the exclusive use of individual visitors or families, the licensee shall provide separate accommodation for the exclusive use of visitors of each shed:

Provided that nothing contained in this rule shall apply to the accommodation of visitors below ten years of age.

8. No person of either sex not below ten years of age shall use or occupy any room which may be used or occupied as a sleeping apartment by persons of the other sex not below ten years of age:

Provided that this rule shall not be taken to prohibit the occupation by a husband and wife and members of their family of any room provided for their exclusive use.

9. (1) The licensee shall provide in the premises sufficient and suitable arrangements for the storage of a sufficient supply of wholesome water available at all times for the use of the visitors for drinking purposes. If there is no continuous system of drinking water supply in the premises, the water stored shall not be less than one gallon per visitor per day.

(2) The licensee shall also provide in the premises water available at all times for the use of the visitors for other purposes. If there is no continuous system of water-supply in the premises the water stored shall not be less than 10 gallon per visitor per day.

(3) If the water, whether for drinking or other purposes is not obtained from the piped water-supply system in the local area, it shall be derived from such source or sources as may be approved by the Health Officer.

10. The licensee shall, if directed by the Health Officer, provide in the premises suitable bathing rooms and washing facilities for the visitors.

11. (1) The licensee shall provide in the premises, for the use of the visitors of each sex, latrines, of such size and description as may be specified by an officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector and shall make adequate arrangements for the cleansing of such latrines and for maintaining them fit for use.

(2) Every latrine shall, unless it is a flush-out latrine, have a separate entrance from the external air, and shall be located at a distance of not less than 10 feet from the rest of the building and 20 feet from a drinking water source.

12. The licensee shall provide such drains or other means for effectively draining the premises as may be directed by the Health Officer and shall cause all such drains or other means of drainage to be maintained in good order and clean condition.

13. (1) The licensee shall cause the floor of every room and passage and every stair in the premises to be at all times in a thoroughly clean condition.

(2) He shall cause every yard, area and other open space within the premises to be maintained at all times in good order and to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such yard, area and other open space in a clean condition.

(3) He shall provide suitable air-tight non absorbent covered receptacles in suitable places in the premises for the deposit of all refuse matter and such receptacles shall be emptied at least once in twenty-four hours.

(4) He shall prevent any accumulation of rubbish or filth in the premises.

14. The licensee shall cause every part of the internal surface of the walls and ceiling of the house to be hot lime washed before visitors are admitted.

15. The licensee shall not employ or continue to employ in or admit into the premises any person whom be knows or has reason to believe to be suffering from an infectious disease.

16. (1) If the licensee knows or has reason to believe that any person in the house is suffering from an infectious disease—

(i) he shall give or cause to be given immediate notice of the occurrence of such disease to the Health Officer or the Executive Authority or any Officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector;

(ii) he shall segregate such person in a separate room and shall adopt all such measures as may be necessary to prevent the spread of infection and carry out such orders as may be issued in this behalf by the Health Officer or Executive authority.

(2) He shall not at any time, while a person in the house is suffering from an infectious disease, cause or allow any other person except a relative of such person or a person attending on such person to use or occupy the same room as such person.

(3) He shall immediately after the death, removal or recovery of any person in the house who has been suffering from an infectious disease, cause every part of the room which may have been occupied by such person to be thoroughly cleansed and disinfected, and cause every article in such room to be in like manner cleansed and disinfected to the satisfaction of the Health Officer.

17. In the event of the existence of a case of infectious disease, on the premises the licensee shall not receive any visitor in such premises, without the permission of the Health Officer.

18. The licensee shall not cause or suffer to be used as a sleeping apartment any room intended for use as a kitchen, scullery, store-room or lumber room.

19. The licensee shall not allow any part of the premises to be used in a manner likely to be a nuisance.

20. (1) The licensee shall maintain in such form as may be specified by the Health Officer a register showing the full names and permanent addresses of all the visitors halting in the premises.

(2) This register shall be produced by the licensee at any time on demand by the Executive Authority or any Officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector.

21. The house in respect of which a licence is granted under Section 125 of the Madras Public Health Act, 1939, shall be open to inspection by the Executive Authority, any Officer of the Public Health Department of the local authority not below the rank of Health or Sanitary Inspector or any person empowered by the Executive Authority in this behalf.

22. Whoever commits a breach of any of the above rules shall be punishable:

(i) with fine which may extend to fifty rupees, and in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; and

(ii) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Executive Authority or the Health Officer to discontinue such breach.

FORM OF LICENCE

[*See* Rule 2(3)]

Under Section 125 of the Madras Public Health Act, 1939

residing in landowner / Occupier of premises No.
at street in Village / town
is hereby licensed to accommodate in the said premises not more than visitors during the fair or festival.

This licence shall remain in force for a period of fifteen days from the date of issue and is subject to the rules and bye-laws in force for the time being and the conditions mentioned below:—

Signature

Date of issue — Designation Health Officer

Date of expiry — Executive Authority.

Conditions.

*MANNER OF SPENDING PROCEEDS OF TAXES AND TOLLS LEVIED IN RESPECT OF FAIRS AND FESTIVALS

In exercise of the powers conferred by Section 126 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to direct that if in respect of any fair or festival any tax or toll is levied the local authority shall spend the proceeds thereof-

Firstly — for the purposes specified in Section 120 of the said Act, and the rules made thereunder,

Secondly — on the provision of such permanent arrangements as are calculated to lead to better sanitation at, or to promote the comforts and conveniences of the persons resorting to, the fair or festival, and

Lastly — the residue, if any, for the benefit of the local area in such manner as may be determined by the local authority.

**RULE FOR THE PROVISION OF SANITARY ARRANGEMENTS ETC. DURING A FAIR OR FESTIVAL

In exercise of the powers conferred by Clause (12) of Section 120 and Clause (a) of sub-section (2) of Section 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rule:—

The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for the following purposes in addition to those mentioned in Clause (i) to (ii) of Section 120 of the Madras Public Health Act, 1939, namely:—

(1) the employment of adequate temporary public health staff;

(2) the accommodation for the temporary medical and public health staff employed;

(3) the supply of water for the use of cattle and the opening of temporary veterinary dispensaries in connection with cattle fairs;

(4) the prevention of accidents by fire or drowning;

(5) the parking of vehicles; and

(6) [1][the prevention of nuisance]

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** Published in Fort St. George Gazette dt. 18-12-1939, G.O. No. 4663 P.H.

1. Added by G.O. 36666 P.H. published in Gazette dt. 20-3-1940.

*MADRAS PILGRIM TAX (INLAND WATERWAYS) RULES, 1944

In exercise of the powers conferred by sub-section (3) of Section 117, Clause (a) of sub-section (2) of Section 128 and sub-section (2) of Section 129 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

PART I

Preliminary

1. (1) These rules may be called the Madras Pilgrim Tax (Inland Waterways) Rules, 1944.

(2) They extend only to the local area or part thereof in respect of which a notification has been issued under sub-section (1) of Section 117 of the Act.

2. In these rules unless there is anything repugnant in the subject or context—

(i) "the Act" means the Madras Public Health Act, 1939;

(ii) "notified area" means the area specified in the notification under sub-section (1) of Section 117 of the Act;

(iii) "notified period" means the period for which the pilgrim tax is imposed by a notification under sub-section (1) Section 117 of the Act;

(iv) "pilgrim tax" means the tax imposed by a notification under sub-section (1) of Section 117 of the Act;

(v) "responsible authority" means the local authority within whose jurisdiction a fair or festival is held, or if the fair or festival is held within the jurisdiction of two or more local authorities, the person or committee appointed by such local authorities, jointly under the provision of Section 120 of the Act; and

(vi) "vessel" includes any ship, barge, boat, raft, timber, bamboos or floating materials and propelled in any manner.

3. A copy of the notification under sub-section (1) of Section 117 of the Act legibly written or painted in English and in the language or languages of the local area shall be displayed at some conspicuous place at every jetty, quay or other landing place within a notified area or at the barrier controlling admission into such jetty, quay or other landing place.

4. The responsible authority may either:—

(a) entrust the collection of the pilgrim tax to the owner or other person in charge of the vessels conveying passengers from the notified area as provided in Part II of these rules; or

(b) itself arrange for the collection of the pilgrim tax with the previous sanction of the Inspector of Municipal Councils and Local Boards as provided for in Part III of these Rules; or

(c) farmout the collection of the pilgrim tax as provided for in Part IV of these rules.

Explanation:– Nothing contained in this rule shall preclude the responsible authority from adopting any one of the methods specified above in one part of the notified area and any other method aforesaid in any other part thereof.

PART II

Collection by the owner or other person in charge of passenger vessels

5. The rules in this part shall apply to cases where the collection of the pilgrim tax is entrusted to the owner or other person in charge of the vessels conveying persons from the notified area.

6. The pilgrim tax shall be collected as a surcharge on the fares.

7. No person shall be permitted to board vessel conveying passengers from notified area

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* Published in Fort St. George Gazette dt. 2-5-1944 as G.O.No.1213, P.H. 27-4-1944.

unless he is in possession of a pilgrim tax ticket showing the tax paid except in cases where a ticket for the journey is issued to passengers after entry into the vessel and the pilgrim tax tickets are issued along with the ticket or tickets for the journey.

8. The responsible authority may print and supply pilgrim tax tickets to the owner or other person in charge of the vessels in which case due regard shall be paid to this circumstances in assessing the cost of collection and the fees to be paid to him under Rule 9.

9. The owner or other person in charge of the vessel shall be entitled to receive from the collections of the tax—

(a) such percentage of the collections not exceeding 3 percent thereof as may be agreed upon between the owner or other person in charge of the vessel and the responsible authority, towards the cost of collection;

(b) such sum towards the cost of printing tickets (when they are not printed and supplied by the responsible authority) as may be agreed upon between the owner or other person in charge of the vessel and the responsible authority; and

(c) such fees as may be agreed upon between the responsible authority and the owner or other person in charge of the vessel:

Provided that the amount fixed as fees shall not be in excess of the cost of collection under Clause (a) except with the previous sanction of the Inspector of Municipal Councils and Local Boards or other person duly authorised by the Government in this behalf.

10. After deducting the amounts due under rule 9, the owner or other person in charge of the vessel shall pay the amount of the pilgrim tax to the responsible authority within fifteen days of the expiry of the notified period.

11. With each payment under Rule 10, the owner or other person in charge of the vessel shall forward to the responsible authority a statement in the form shown in the Annexure to these rules.

12. The responsible authority may require the owner or other person in charge of a vessel to deposit such sum of money as may be decided by it as security for the due discharge by him of his duties and responsibilities imposed on him by or under these rules.

13. The security furnished under Rule 12 shall be maintained in full during the notified period and shall be liable to forfeiture by the responsible authority if the owner or other person in charge of the vessel fails to carry out all or any of the duties and responsibilities imposed on him by or under these rules. The security shall also in the event of default be liable to adjustment towards the amount due under rule 10 at any time without previous intimation.

14. An appeal shall lie to the Inspector of Municipal Councils and Local Boards against an order of the responsible authority under Rule 13 within a month of the date of communication of the order by the responsible authority to the owner or other person in charge of the vessel and the decision of the said Inspector thereon shall be final.

15. (1) Any dispute between the responsible authority and the owner or other person in charge of the vessel as regards-

(a) the gross amount of the tax collected; or

(b) the amount to be deducted under Rule 9; or

(c) the amount to be paid to the responsible authority under Rule 10; or

(d) the accuracy of the statement submitted under Rule 11; or

(e) the security to be deposited under rule 12 shall be referred to the Inspector of Municipal Councils and Local Boards for decision within two months of the expiry of the notified period:

Provided that, for sufficient reasons to be recorded in writing, the said Inspector may extend the period aforesaid.

(2) An appeal shall lie to the Government against any decision of the Inspector of Municipal

Councils and Local Boards under sub-rule (1) within a month of the date of communication of the Inspector's decision to the parties and the decision of the Government thereon shall be final.

16. The owner or other person in charge of a vessel shall maintain a register showing the number of adult and child passengers embarking on the vessel during each journey. This register shall be produced for the inspection of the responsible authority when so required.

Explanation:— For the purpose of this rule, a person who has not attained the age of twelve years shall be produced for the inspection of the responsible authority when so required.

Explanation:— For the purpose of this rule, a person who has not attained the age of twelve years shall be deemed to be a child and any other person an adult.

17. Any sums due to the responsible authority under this part shall be recovered in the same manner in which arrears of taxes are collected by a local authority.

PART III

Collection by responsible authority

18. The rules in this part shall apply to the collection of pilgrim tax by the responsible authority through its own agency.

19. The responsible authority may erect suitable structures or barriers for controlling admission into every jetty, quay or other landing place where passengers embark or on the road or roads leading to such jetty, quay or other landing places and may place the collection of the pilgrim tax under such person as it thinks fit.

20. No person shall with intent to evade payment of the pilgrim tax—

(a) pass the structure or barrier referred to in Rule 19 without stopping and paying the pilgrim tax;

(b) leave the road and pass any adjacent land; or

(c) take a boat at an unauthorised place with a view to board the vessel conveying persons from the notified area.

PART IV

Farming the collection of pilgrim tax

21. The responsible authority may, with the previous sanction of the Inspector of Municipal Councils and Local Boards -

(i) farm out the collection of the pilgrim tax on such terms and conditions as it thinks fit; and

(ii) empower the person to whom the right to collect the pilgrim tax is farmed out to exercise all or any of the powers conferred by or under the Act and the rules and bye-laws framed thereunder for the levy and collection of the pilgrim tax.

PART V

22. Any Officer of the local authority or local authorities within whose jurisdiction a fair or festival is held, authorised, by the responsible authority in this behalf may at any time enter any vessel carrying passengers from the notified area, check the pilgrim tax ticket of any passenger and remove any passenger who has not obtained a pilgrim tax ticket before the vessel leaves the jetty, quay or other landing place.

23. The pilgrim tax tickets shall be printed. There shall be a counterfoil for each pilgrim tax ticket and the counterfoils shall be maintained by the responsible authority.

24. In the cases where the fair or festivals held within the jurisdiction of two or more local authorities, the net proceeds of the pilgrim tax shall be distributed between the local authorities in such proportions as may be determined by the Government.

Explanation:— "Net proceeds" shall mean—

(a) the amount payable to the responsible authority under Rule 10 together with the amount if any, forfeited under Rule 13 out of the security furnished under Rule 12 or

(b) the amount collected by the responsible authority under the provisions of Part III less the cost of collection;

(c) the amount for which the right to collect the pilgrim tax is farmed out under Rule 21.

25. Whoever contravenes the provisions of Rule 20 or otherwise evades the payment of the pilgrim tax shall be punishable with fine which may extend to Rupees 100/-

ANNEXURE

Statement of Pilgrim tax collected from persons leaving a fair or festival centre by inland waterways

Name of fair or festival centre
District and taluk

Date	Name or number of vessel	Place of departure in the fair or festival	Number of outgoing tickets sold and number of persons leaving the fair or festival centre		Pilgrim tax collected		Total
			Rs. P.	Rs. P.	Adults Rs. P.	Children Rs. P.	

Total number of persons transported from fair or festival centre

Cost of collection
Cost of printing tickets
Net amount of pilgrim tax payable to local authority

Station:
Dated :

Signature of owner or person in charge of vessel

Note:- For the purpose of this Annexure, a person who has not attained the age of twelve years shall be deemed to be a "child" and any other person an "adult".

*PUBLIC SANITARY CONVENIENCE (PROVISION AND MAINTENANCE) RULES, 1940

In exercise of the powers conferred by Sections 37 and 128 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:-

1. These rules may be called the Public Sanitary Convenience (Provision and Maintenance) Rules, 1940.

2. Every public sanitary convenience constituted or provided by a local authority shall be of a design, or conform to one of the type design approved by the Superintending Engineer (Public Health).

The provision of this rule shall not apply in the case of city of Madras.

3. (1) If a public sanitary convenience is intended for the use of both sexes, the portion intended for one sex shall be completely screened from that intended for the other by a partition wall not less than 7 feet in height and have separate means of entrance.

(2) Every seat in a public Sanitary convenience shall be effectively screened so as to secure adequate privacy to the user thereof.

4. No public sanitary convenience shall be situated as to cause risk of contamination of any source of water-supply used for drinking or domestic purposes. All public sanitary convenience in existence on the date of the coming into force of these rules which do not comply with the provisions of this rule shall be closed and new ones shall be provided at suitable places within one year of the said date.

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* Published in Fort St. George Gazette dt. 12-11-1940 as G.O. No.4131 P.H.

5. Public sanitary conveniences shall be constituted or provided only on such sites as are approved by the Health Officer in the case of urban local areas and by an officer of the Public Health Department of the local authority concerned not below the rank of Health or Sanitary Inspector in the case of non-urban areas.

6. Rules 2, 3 and 5 shall not apply to temporary sanitary convenience provided on occasion of fairs and festivals or for other temporary occasion.

*RULES REGARDING THE SERVICE OF NOTICE FOR PROTECTION OF WATER SUPPLY SOURCES FROM CONTAMINATION ETC.

In exercise of the powers conferred by Clause (ii) of Clause (b) of sub-section (4) of Section 20 and sub-section (2) of Secion 128 of the Madras Public Health Act, 1939 (Madras Act 111 of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rule:—

The service under sub-clause (ii) of Clause (b) of sub-section (4) of Section 20 of the Madras Public Health Act, 1939, of a notice issued under sub-section (2) of the said section shall be made in the following manner, namely:—

(a) if the notice is to be served on a local authority,

(i) by giving or tendering the notice to the executive authority of the local authority; or

(ii) by sending the same to him by registered post; and

(b) if the notice is to be served on the person owning or having control over source of water-supply.

(i) by giving or tendering the notice to such person; or

(ii) if such person is not found by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(iii) if his address is known to the Collector or other officer appointed by the Government under sub-section (1) of the said section, by sending the same to him by registered post; or

(iv) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

**RULES REGARDING THE ASSIGNMENT OF PUBLIC HEALTH ESTABLISHMENT IN CASES OF EMERGENCY

In exercise of the powers conferred by Clause (h) of sub-section (i) of Sections 13 and 128 of the Madras Public Health Act (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

1. The assignment by the [1][Director of Health Services] or members of the Public Health establishment under Clause (b) of sub-section (i) of Section 13 of the Madras Public Health Act, 1939 (hereinafter referred to as 'the Act') to any local area for temporary duty shall ordinarily be made from any other local area in the same district or from a local area in an adjoining district.

2. Whenever action is taken under Clause (b) of sub-section (i) of Section 13 of the Act, the [1][Director of Health Services] shall communicate the action taken by him to the local authorities concerned.

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* Published in Fort. St. George Gazette dt. 5.3.1940 as G.O. No.749 P.H.

** Published in Fort St. George Gazette dt. 16-1-1940

1. Substituted for the words "Director of Public Health" by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

3. The establishment assigned for temporary duty in a local area under Rule 1 shall work under the supervision and disciplinary control of the Health Officer for that area.

4. The travelling allowances and the transit pay of a member of the Public Health establishment of a local area assigned for temporary duty in another local area both in respect of the journey therefrom after the temporary duty to the former local area shall be borne by the local authority of the latter local area.

*RULES FOR VACCINATION IN RURAL AREAS UNDER SECTION 81

In exercise of the powers conferred by Section 81 of the Madras Public Health Act, 1939 (Madras Act III of 1939), the Government of Kerala hereby make the following rules relating to the vaccination in rural areas transferred from the Madras State, the same having been previously published as required by Section 130 of the said Act.

Rules for Vaccination in Rural Areas under Section 81 of the Madras Public Health Act, 1939 (Act III of 1939).

1. (1) These rules may be called Vaccination in Rural areas transferred from the former Madras State to the Kerala State.

(2) These rules shall apply to the rural areas which were transferred from the former Madras State to the Kerala State and shall come into force from 30-3-1964.

2. Definitions.— In these Rules, unless the context otherwise requires,

(i) "Child" means a boy or a girl who has not attained the age of 18 years.

(ii) "Executive authority" means the Executive authority of the Panchayat as defined in Kerala Panchayats Act, 1960.

(iii) "Guardian" means any person to whom the care, nature or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nature or custody of any child or to whom the care, nature or custody of any child has been entrusted by any lawful authority.

(iv) "Health Officer" means the Health Officer if any employed by the local authority - or in any other case the officer exercising the powers of the Health Officer in the District.

(v) "Inspecting Officer" means the Health Inspector appointed by Government or the Health or Sanitary Inspector appointed by the Panchayat, and having jurisdiction over the local area or the Assistant District Medical Officer of Health or Health Officer or any person authorised in this behalf by the State Government to inspect vaccinations performed by a vaccinator;

(vi) "Local area" means a Panchayat area.

(vii) "Parent" means the father or mother of a legitimate child and the mother of an illegitimate child;

(viii) "Person" means a male or female who has attained the age of eighteen years.

(ix) "Primary vaccination" means the vaccination performed for the first time on any individual and all subsequent operations are termed "revaccination" provided the primary vaccination proved successful.

(x) "Rural area" means any area not coming within the limits of a Municipality or Corporation.

(xi) "Unprotected child" means a child who has not been protected from small pox by having had the disease either naturally or by having been successfully vaccinated or revaccinated within a period of seven years immediately preceding.

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* Published as notification G.O.(MS.) 205/64/HLD dt. 20-3-1964 in Kerala Gazette Extraordinary No.12 dt. 24-3-1964.

(xii) "Unprotected person" means a person who has no visible marks of small pox or is unable to provide satisfactory evidence of successful vaccination or revaccination carried out within a period of seven years immediately preceding.

(xiii) "Vaccination" means the operation by which sufficient vaccine lymp is introduced into the skin and allowed to be absorbed without interference or exposure to sun for at least fifteen minutes following the operation and includes revaccination.

(xiv) "Vaccination depot" means a place or building where vaccination is performed free of charge by direction of the Director of Health Services or any person authorised by him.

(xv) "Vaccinator" means—

(a) Any medical practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953, or the Madras Medical Registration Act, 1914, or the law relating to the registration of Medical Practitioners for the time being in force;

or

(b) Any licenciate or Associate Licenciate in Indian Medicine with training in vaccination and registered under Class A:

or

(c) Any person possessing the qualification laid down by the State Government for a vaccinator or Health Assistant and employed by State Government or Panchayat;

or

(d) any person qualified to hold the post of a Health Inspector or Sanitary Inspector.

3. (i) The parent or guardian of every unprotected child who is not less than [1][three months] old and who has resided for one month within the limits of local area shall take or cause the child to be taken to a vaccination depot for vaccination or revaccination as the case may be or shall procure such vaccination or revaccination by a vaccinator.

(ii) Every unprotected person residing within the limits of a local area shall get himself vaccinated or revaccinated as the case may be at a vaccination depot or by any other vaccinator.

(iii) Notice may be issued in Form No.I to unprotected person or guardian of such children to get them vaccinated.

4. The Health Officer or Executive Authority or any person duly authorised by any of them may if any portion of the local area is threatened or infected with small-pox, direct every person or child in the said area who has no visible mark of small-pox or is unable to produce satisfactory evidence of successful vaccination or re-vaccination carried out within four years to be vaccinated forthwith.

5. Whenever the residence of an unprotected person or child is changed, such person or the parent or guardian of such child as the case may be shall, within one month of such change of residence notify the same to the Health Officer or the Executive Authority of the place from which the residence was changed or to any person authorised by the Health Officer or Executive Authority on this behalf furnishing full particulars as to the address of the new residence of the person or the child as the case may be.

6. (i) If a vaccinator finds that an unprotected person or child is not in a fit state of health to vaccinate, he shall deliver to such person or the parent or guardian of such child as the case may be, a certificate in Form No.II to the effect that the person or child is not in a fit state for vaccination. Such certificate shall remain in force for the period specified therein not exceeding three months but may be renewed if necessary. The reason for the unfitness shall be specified in the certificate.

(ii) If a vaccinator finds that an unprotected person or child is in a state of health fit for vaccination he shall forthwith vaccinate such person or child and deliver to such person or the parent or guardian of such child as the case may be a memorandum stating the date on which the vaccination was performed and specifying the date on which and the time and place at which the person or child should be present or be produced, as the case may be for inspection.

1. Substituted by Notification No. 41288/C3/66/HLD dt. 20/07/1966, published in Gazette No. 31 dt. 02/08/1966.

7. (i) On the date and at the time and place notified as aforesaid the person or child shall be presented or be produced as the case may be for inspection.

(ii) If the Inspecting Officer finds that the vaccination has been successful he shall, on demand, give to such person or parent or guardian of such child as the case may be a certificate to that effect in Form No.III annexed to this rule. In the case of revaccination the vaccinator shall after revaccination give on demand a certificate showing the date of revaccination to the person revaccinated or as the case may be, to the parent or guardian of child revaccinated.

(iii) In the event of the vaccination being unsuccessful the Inspecting Officer, if he thinks fit, may direct that the unprotected person or child shall again be vaccinated and subsequently inspected as provided in these rules. Such person or the parent or guardian of such child shall be bound to comply with such direction.

8. When an unprotected person or child is vaccinated by a vaccinator not employed by the Government or by the local authority, such person or the parent or guardian of that child as the case may be shall forward within 15 days of the date of vaccination a certificate of successful vaccination from such vaccinator to the Health Officer or to such person as may be authorised by the Health Officer in that behalf.

9. The Executive Authority or the Health Officer may cancel any certificate given under these rules if it is proved to his satisfaction that such certificate has been improperly given or obtained on behalf of any unprotected person or child and thereupon such certificate shall cease to be valid and notice of such cancellation shall forthwith be given to such unprotected person or the parent or guardian of such unprotected child as the case may be.

10. No fee or remuneration shall be accepted by a vaccinator employed by the Government for any vaccination performed or certificate given under these rules. If any unprotected person or parent or guardian of any unprotected child is desirous that vaccination should be done at the residence of such person or child, the Health Officer may upon application by such person or such parent or guardian as the case may be and upon payment of such fee as the local authority may fix, direct a vaccinator to perform the vaccination at such residence.

11. (i) If the Health Officer or any person authorised by him in this behalf has reason to believe that there is an unprotected person or child in any house he may call upon or issue notice in Form No.IV to—

(a) such person to be present for inspection between the hours of 6 a.m. and 6 p.m. and to state his age, parentage, place of birth and duration of his residence in the area;

(b) the parent or guardian of any such child in the house under his care to produce the child for inspection between the hours of 6 a.m. and 6 p.m. and to state the age, parentage, place of birth and duration of residence of the child in the area.

(ii) The Health Officer, the executive authority or any other person authorised by him under sub-rule (1) shall–

(a) if he is aware of the existence of any person or child who is unprotected and is fit for vaccination or

(b) if on a requisition under sub-rule (i) any person refuses to be present or any parent or guardian refuses to produce any child under his care for inspection or

(c) if after inspection, it is proved to his satisfaction that any person or child is unprotected and is fit for vaccination or

(d) if he is acting in pursuance of the powers vested in him under Rule 4 deliver to such person or the parent or guardian of such child or cause to be affixed to the house of such person or such parent or guardian notice in Form No.I requiring the person or child as the case may be to be vaccinated within 72 hours at a time and place to be specified in the said notice. The person, or the parent or guardian to whom such notice is delivered or at whose house it is affixed shall be bound to comply with it unless a certificate is produced from a vaccinator to the effect that such person or child has either been successfully vaccinated already or is unfit for vaccination.

12. The provision contained in Rules 6 to 10 shall so far as may be, apply to revaccination of an unprotected person or child. Revaccination shall be performed five years after a primary vaccination (within three months period) and thereafter at interval of seven years (within three months).

13. Whoever commits a breach of any of the above rules shall be liable on conviction—

(a) to a fine which may extend to twenty rupees,

(b) in the case of continuing breach to a fine which may extend to five rupees for every day during which the breach continues after conviction or after receipt of notice from the Health Officer or Executive Authority or any person authorised by him to discontinue such breach:

Provided that the amount of fine shall in no case exceed one hundred rupees.

FORM No. I

Notice for Vaccination

[*See* Rules 3(iii) and II(d)]

Sri/Smt..... residing in ..... (House) Amsom..... Desom ..... Taluk..... District..... is hereby informed that he/his son/daughter..... aged ..... (in the case of minor children) shall appear be produced for inspection and shall be subject to vaccination/revaccination for protection against small-pox on ..... (date) at..... (time) ..... at..... (place) failing which he shall be liable for punishment under the rules.

Station : Signature.....

Date : Designation.....

FORM No. II

Certificate of postponement of Vaccination

[*See* Rule 6 (i)

The child/person.....aged.....residing at.....is not in a fit state for vaccination for a period of.....months on account of

Station: Signature.....

Date : Designation .....

In the case of child note name of parent or guardian of the child.

FORM No. III

Vaccination Certificate

[*See* Rule 7(ii)]

It is hereby certified that the child/person.....aged.....residing at .....has been vaccinated/revaccinated on .....and bears.....marks.

Station: Signature.....

Date : Designation .....

FORM No. V

Notice for Inspection

[*See* Rule 11(i)]

As it is known and there is every reason to believe that you/your son/your daughter .....aged.....residing in.....(House) Amsom ..... Desom ..... Taluk ..... District..... require/requires protection from small-pox, you are therefore requested to produce/ to be present, in the house for inspection during my visit at..... (hours) on ..... (date). You will furnish such necessary information as to age, parentage, place of birth and the duration of the residence in the area etc., relating to you/your child.

You will be subject to prosecution under the rules in case you fail to comply with the notice.

Station: Signature.....

Date : Designation .....

NOTIFICATIONS

UNDER TRAVANCORE-COCHIN PUBLIC HEALTH ACT, 1955

TRAVANCORE-COCHIN PUBLIC HEALTH REGULATION

Regulation prescribing the qualification for appointment to the various posts in the Public Health Establishments of Panchayats

[Section 6 (2)]

In exercise of the powers conferred by sub-section (2) of Section 6 of the Travancore-Cochin Public Health Act (Act XVI of 1955) the Government of Kerala hereby make the following regulation, prescribing the qualifications for appointment to the various posts in the Public Health Establishment of Panchayats in the erstwhile Travancore-Cochin area of the State.

The qualification for appointment to the various posts shall be as follows:—

I. Health Officer.— Medical qualifications not lower than that of a licentiate in medicine registrable under the Indian Medical Councils Act with a degree or diploma in Public Health.

II. Midwife.— (a) Holder of a certificate of any of the following institutions.

(i) Government School of Nursing, Trivandrum.

(ii) L.M.S. Mission Hospital Training School, Neyyoor.

(iii) Salvation Army Catherene Booth Hospital Training School, Nagercoil.

(iv) I.M.S. Hospital, Kundara.

(v) Thiruvalla Medical Mission Nursing School for three years from 10-10-1953 till 10-10-1956; or

(b) Holders of Trained Midwifes and Nurses certificates of any of the State Governments in the Indian Union; or

(c) S.S.L.C. candidates with two years midwifery training in any Government Institution.

III. Health Assistants.— Sanitary Inspectors' test, Bombay or Madras; or Health Inspectors' Certificate of the Medical College, Trivandrum.

IV. Sweepers.— (1) Ability to read and write Malayalam, Tamil or Hindi.

(2) Physical fitness. (Published in Gazette of 16-7-1967)

Section 9 Authorising the Veterinary Surgeons of the Animal Husbandry Department to exercise powers of Health Officer under Chapter XII

In exercise of the powers conferred by Section 9 of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955) Government hereby authorise the Veterinary Surgeons of the Animal Husbandry Department to exercise within their respective jurisdiction all the powers of a Health Officer under the provisions of Chapter XII of the said Act. (Published under notification No. 8-650/F 262/Health dt. 5-2-1963, in the Gazette dt. 12-2-1963.)

Section 3 appointing as Health Officers

In exercise of the powers conferred by Section 3 of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955) Government hereby appoint the District Health Officers, Medical Officers in charge of Health Units and Health Inspectors in charge of Taluk of the Public Health Department as Health Officers for all the purposes of the said Act. (Notification No. L - Dis 49-33/56 OP dt. 23-5-1956)

Section 60 Declaring Influenza to be a notified disease

In pursuance of Section 60 of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955) Government hereby declare that Influenza shall be a notified disease for purposes of Part II, Chapter VII of the said Act in the territories of Kerala State where the Act is applicable. (Published in the Gazette Extraordinary dt. 12-6-1957)

Section 60 Declaring Encephalitis to be a notified disease

In exercise of the powers conferred by Section 60 of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955) the Government of Kerala hereby declare Encephalitis to be a notified disease for the purpose of Part II of the said Act in the Travancore-Cochin area of the State. (Notification No. HLB 4-59032/EHD dt. 21-7-1958 Published in the Gazette dt. 22-7-1958.)

Section 60(a) Declaring that Infectious Hepatitis shall be a notified disease in Trichur District

In pursuance of Section 60(a) of the Travancore-Cochin Public Health Act, 1955 (Act XVI of 1955) Government hereby declare that Infectious Hepatitis shall be a notified disease for the purpose of Chapter VII of the said Act in the area within the Trichur District. (Notification No. HLB 3-11519/61/HLD dt. 17-2-1961 Published in the Gazette dt. 28-2-1961)

Section 60 Declaring Infective Hepatitis to be a notified disease

In exercise of the powers conferred by Section 60 of the Travancore-Cochin Public Health Act, 1955 (16 of 1955) the Government of Kerala hereby declare 'Infective Hepatitis' to be a notified disease for the purpose of Part II of Chapter VII of the said Act in the Travancore-Cochin area of the State.

Section 3 appointing Health Officers

In exercise of the powers conferred by Section 3 of the Travancore-Cochin Public Health Act, 1955 (Act 16 of 1955) and in supersession of the previous notification issued under Order No. L. Dis 4933/56/DD dated 17-3-1956 Government hereby appoint the District Medical Officer of Health, Assistant District Medical Officer of Health, Medical Officer in charge of Health Centres and Health Inspectors of Health Centres and of Community Development Blocks as Health Officers for all purposes of the said Act. (Notification No.71637/C2/63/HLD dt. 12-8-1964 Published in Kerala Gazette No.33 dt. 11-8-1964)

Section 60 Declaring Poliomyletis to be a notified disease

In exercise of the powers conferred by Section 60 of the Travancore-Cochin Public Health Act, 1955 (Act 16 of 1955), the Government of Kerala hereby declare "POLIOMYLETIS" to be a notified disease for the purpose of Part II of Chapter VII of the said Act in the Travancore-Cochin area of the State. (Notification No. G.O.(Rt.) 2886/64/HLD. dt. 07/09/1964 Published in Gazette dt. 15/09/1964)

MADRAS PUBLIC HEALTH ACT, 1939

Section 62 Declaring encephalitis to be a notified disease

In exercise of the powers conferred by Section 62 of the Madras Public Health Act, 1939 (Act III of 1939), the Government of Kerala hereby declare Encephalitis to be a notified disease for the purpose of Part II of the said Act in the territories referred to as "Malabar District" in Section 5(2) of the States Re-organisation Act, 1956 (Act 37 of 1956). (Notification No. HLB4-59032/58/EHD. II dt. 21/07/1958 Published in the Gazette dt. 22/07/1958)

Section 62 Declaring Poliomyletis to be a notified disease

In exercise of the powers conferred by Section 62 of the Madras Public Health Act, 1939 (Act III of 1939), the Government of Kerala hereby declare "POLIOMYLETIS" to be notified disease for the purpose of Part II of Chapter VII of the said Act in the Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 (Central Act 37 of 1956). (Notification No. G.O.(Rt.) 2886/64/HLD. dt. 07/09/1964 Published in Kerala Gazette dt. 15/09/1964)

THE SPECIAL MARRIAGE ACT, 1954

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*THE SPECIAL MARRIAGE ACT, 1954

[1][(Act 43 of 1954)]

[9th October 1954]

An Act to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce.

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:–

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Special Marriage Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India domiciled in the territories to which this Act extends who are [2][in the State of Jammu and Kashmir].

(3) It shall come into force on such date, i.e. 1st January, 1955 as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,-

(a) [3][x x x]

(b) "degrees of prohibited relationship"– a man and any of the persons mentioned in Part I of the First Schedule and a woman and any of the persons mentioned in Part II of the said Schedule are within the degrees of prohibited relationship;

Explanation I:– Relationship includes,-

(a) relationship by half or uterine blood as well as by full blood;

(b) illegitimate blood relationship as well as legitimate;

(c) relationship by adoption as well as by blood;

and all terms of relationship in this Act shall be construed accordingly.

Explanation II:– "Full blood" and "half blood"- two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives.

Explanation III:– "Uterine blood"- two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.

Explanation IV:– In Explanations II and III, "ancestor" includes the father and "ancestress" the mother;

[4][x x x]

(d) "district" in relation to a Marriage Officer, means the area for which he is appointed as such under sub-section (1) or sub-section (2) of Section 3;

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* Came into force on 1-1-1955, vide S.R.O No. 3606, dt. 17-12-1954, published in the Gazette of India, Extra, 1954.

1. The Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, and to Pondicherry by Reg. 7 of 1963.
2. Substituted by Act 33 of 1969, for "outside the said territories", w.e.f. 31-8-1969.
3. Clause (a) omitted by Act 33 of 1969, w.e.f. 31-8-1969.
4. Clause (c) omitted by Act 33 of 1969, w.e.f. 31-8-1969.

[5][(e) "District Court" means, in any area for which there is a City Civil Court, that court, and in any other area, the principal Civil Court of original jurisdiction, and includes any other Civil Court which may be specified by the State Government by notification in the Official Gazette as having jurisdiction in respect of the matters dealt with in this Act;]

(f) "prescribed" means prescribed by rules made under this Act;

[6][(g) "State Government", in relation to a Union territory, means the Administrator thereto].

3. Marriage Officers.— (1) For the purposes of this Act, the State Government may, by notification in the Official Gazette, appoint one or more Marriage Officers for the whole or any part of the State.

[7][(2) For the purposes of this Act, in its application to citizens of Indian domiciled in the territories to which this Act extends who are in the State of Jammu and Kashmir, the Central Government may, by notification in the Official Gazette, specify such officers of the Central Government as it may think fit to be the Marriage officers for the State or any part thereof.]

CHAPTER II

SOLEMNIZATION OF SPECIAL MARRIAGES

4. Conditions relating to solemnization of special marriages.— Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely:–

(a) Neither party has a spouse living;

[8][(b) neither party-

(i) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(ii) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(iii) has been subject to recurrent attacks of insanity [9][x x x];]

(c) the male has completed the age of twenty-one years and the female the age of eighteen years;

[10][(d) the parties are not within the degrees of prohibited relationship:

Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship; and]

[11][(e) where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends.]

[12][**Explanation:**– In this section, "custom", in relation to a person belonging to any tribe, community, group or family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family:

Provided that no such notification shall be issued in relation to the members of any tribe, community, group or family, unless the State Government is satisfied-

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5. Substituted by Act 68 of 1976 for clause (e), w.e.f. 27-5-1967.
6. Substituted by the Adaptation of Laws (No. 3) Order, 1956.
7. Substituted by Act 33 of 1969 for sub-section (2), w.e.f. 31-8-1969.
8. Substituted by Act 68 of 1976, for clause (b), w.e.f. 27-5-1976.
9. The words "or epilepsy" omitted by Act 39 of 1999, w.e.f. 29-12-1999.
10. Substituted by Act 32 of 1963, for clause (d), w.e.f. 22-9-1963.
11. Substituted by Act 33 of 1969, for clause (e), w.e.f. 31-8-1969.
12. Inserted by Act 32 of 1963, w.e.f. 22-9-1963.

(i) that such rule has been continuously and uniformly observed for a long time among those members;

(ii) that such rule is certain and not unreasonable or opposed to public policy; and

(iii) that such rule, if applicable only to a family, has not been discontinued by the family.]

5. Notice of intended marriage.— When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the Form specified in the Second Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given.

6. Marriage Notice Book and publication.— (1) The Marriage Officer shall keep all notices given under Section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the Marriage Notice Book, and such book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

(2) The Marriage Officer shall cause every such notice to be published by affixing a copy thereof to some conspicuous place in his office.

(3) Where either of the parties to an intended marriage is not permanently residing within the local limits of the district of the Marriage Officer to whom the notice has been given under Section 5, the Marriage Officer shall also cause a copy of such notice to be transmitted to the Marriage Officer of the district within whose limits such party is permanently residing, and that Marriage Officer shall thereupon cause a copy thereof to be affixed to some conspicuous place in his office.

7. Objection to marriage.— (1) Any person may, before the expiration of thirty days from the date on which any such notice has been published under sub-section (2) of Section 6, object to the marriage on the ground that it would contravene one or more of the conditions specified in Section 4.

(2) After the expiration of thirty days from the date on which notice of an intended marriage has been published under sub-section (2) of Section 6, the marriage may be solemnized, unless it has been previously objected to under sub-section (1).

(3) The nature of the objection shall be recorded in writing by the Marriage Officer in the Marriage Notice Book, be read over and explained if necessary, to the person making the objection and shall be signed by him or on his behalf.

8. Procedure on receipt of objection.— (1) If an objection is made under Section 7 to an intended marriage, the Marriage Officer shall not solemnize the marriage until he has inquired into the matter of the objection and is satisfied that it ought not to prevent the solemnization of the marriage or the objection is withdraw by the person making it; but the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision.

(2) If the Marriage Officer upholds the objection and refuses to solemnize the marriage, either party to the intended marriage may, within a period of thirty days from the date of such refusal, prefer an appeal to the District Court within the local limits of whose jurisdiction the Marriage Officer has his office, and the decision of the District Court on such appeal shall be final, and the Marriage Officer shall act in conformity with the decision of the Court.

9. Powers of Marriage Officers in respect of inquiries.— (1) For the purpose of any inquiry under Section 8, the Marriage Officer shall have all the powers vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely:–

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) discovery and inspection;

(c) compelling the production of documents;

(d) reception of evidence of affidavits; and

(e) issuing commissions for the examination of witnesses; and any proceeding before the Marriage Officer shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code (45 of 1860).

Explanation.— For the purpose of enforcing the attendance of any person to give evidence, the local limits of the jurisdiction of the marriage Officer shall be the local limits of his district.

(2) If it appears to the Marriage Officer that the objection made to an intended marriage is not reasonable and has not been made in good faith he may impose on the person objecting costs by way of compensation not exceeding one thousand rupees and award the whole or any part thereof, to the parties to the intended marriage, and any order for costs so made may be executed in the same manner as a decree passed by the District Court within the local limits of whose jurisdiction the Marriage Officer has his office.

10. Procedure on receipt of objection by Marriage Officer abroad.— Where an objection is made under Section 7 to a Marriage Officer [13][in the State of Jammu and Kashmir in respect of an intended marriage in the State], and the Marriage Officer, after making such inquiry into the matter as he thinks fit, entertains a doubt in respect thereof, he shall not solemnize the marriage but shall transmit the record with such statement respecting the matter as he thinks fit to the Central Government, and the Central Government, after making such inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer who shall act in conformity with the decision of the Central Government.

11. Declaration by parties and witnesses.— Before the marriage is solemnized the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Third Schedule to this Act, and the declaration shall be countersigned by the Marriage Officer.

12. Place and form of solemnization.— (1) The marriage may be solemnized at the office of the Marriage Officer, or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payments of such additional fees as may be prescribed.

(2) The marriage may be solemnized in any form which the parties may choose to adopt:

Provided that it shall not be complete and binding on the parties unless each party says to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,- "I, (A), take the (B), to be my lawful wife (or husband)".

13. Certificate of marriage.— (1) When the marriage has been solemnized, the Marriage Officer shall enter a certificate thereof in the Form specified in the Fourth Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book and such certificate shall be signed by the parties to the marriage and the three witnesses.

(2) On a certificate being entered in the Marriage Certificate Book by the Marriage Officer, the certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized and that all formalities respecting the signatures of witnesses have been complied with.

14. New notice when marriage not solemnized within three months.— Whenever a marriage is not solemnized within three calender months from the date on which notice thereof has been given to the Marriage Officer as required by Section 5, or where an appeal has been filed under sub-section (2) of Section 8, within three months from the date of the decision of the District Court on such appeal or, where the record of a case has been transmitted to the Central Government under Section 10, within three months from the date of decision of the Central Government, the

13. Substituted by Act 33 of 1969, for certain words, w.e.f. 31-8-1969.

notice and all other proceedings arising therefrom shall be deemed to have lapsed, and no marriage Officer shall solemnize the marriage until a new notice has been given in the manner laid down in this Act.

CHAPTER III

REGISTRATION OF MARRIAGES CELEBRATED IN OTHER FORMS

15. Registration of marriages celebrated in other forms.— Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the [14]Special Marriage Act, 1872 (III of 1872) or under this Act, may be registered under this Chapter by a Marriage Officer in the territories to which this Act extends if the following conditions are fulfilled, namely:–

(a) a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since;

(b) neither party has at the time of registration more than one spouse living;

(c) neither party is an idiot or a lunatic at the time of registration;

(d) the parties have completed the age of twenty-one years at the time of registration;

(e) the parties are not within the degrees of prohibited relationship:

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and

(f) the parties have been residing within the district of the Marriage Officer for a period of not less than thirty days immediately preceding the date on which the application is made to him for registration of the marriage.

16. Procedure for registration.— Upon receipt of an application signed by both the parties to the marriage for the registration of their marriage under this chapter the Marriage Officer shall give public notice thereof in such manner as may be prescribed and after allowing a period of thirty days for objections and after hearing any objection received within that period, shall, if satisfied that all the conditions mentioned in Section 15 are fulfilled, enter a certificate of the marriage in the Marriage Certificate Book in the Form specified in the Fifth Schedule, and such certificate shall be signed by the parties to the marriage and by three witnesses.

17. Appeals from orders under Section 16.— Any person aggrieved by any order of a Marriage Officer refusing to register a marriage under this Chapter may, within thirty days from the date of the order, appeal against that order to the District Court within the local limits of whose jurisdiction the Marriage Officer has his office, and the decision of the District Court on such appeal shall be final, and the Marriage Officer to whom the application was made shall act in conformity with such decision.

18. Effect of registration of marriage under this Chapter.— Subject to the provisions contained in sub-section (2) of Section 24, where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Chapter, the marriage shall, as from the date of such entry, be deemed to be a marriage solemnized under this Act, and all children born after the date of the ceremony of marriage (whose names shall also be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents:

Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents.

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14. Repealed by this Act.

CHAPTER IV

Consequences of Marriage under this Act

19. Effect of marriage on member of undivided family.— The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religions shall be deemed to effect his severance from such family.

20. Rights and disabilities not affected by Act.— Subject to the provisions of Section 19, any person whose marriage is solemnized under this Act shall have the same rights and shall be subject to the same disabilities in regard to the right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850 (21 of 1850), applies.

21. Succession to property of parties married under Act.— Notwithstanding any restrictions contained in the Indian Succession Act, 1925 (39 of 1925), with respect to its application to members of certain communities, succession to the property of any person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the said Act and for the purposes of this Act shall have effect as if Chapter III of Part V (Special Rules for Parsi section that Intestate) had been omitted therefrom.

[15][**21A. Special provision in certain cases.**— Where the marriage is solemnized under this Act of any person who professes the Hindu, Buddhist, Sikh or Jaina religion with a person who professes the Hindu, Buddhish, Sikh or Jaina religion, Sections 19 and 21 shall not apply and so much of Section 20 as creates a disability shall also not apply.]

CHAPTER V

Restitution of Conjugal Rights and Judicial Separation

22. Restitution of conjugal rights.— When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply by petition to the District Court for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

[16][**Explanation:**– Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.]

23. Judicial separation.— (1) A Petition for judicial separation may be presented to the District Court either by the husband or the wife,–

(a) on any of the grounds specified [17][in sub-section (1)] [18][and sub-section (1-A)] of Section 27 on which a petition for divorce might have been presented; or

(b) on the ground of failure to comply with a decree for restitution of conjugal rights,

and the Court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

(2) Where the Court grants a decree for judicial separation, it shall be no longer obligatory for the petitioner to cohabit with the respondent, but the Court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

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15. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
16. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
17. Substituted by Act 29 of 1970 for the words "in section 27 (other than the grounds specified in clauses (i) and (j) thereof)", w.e.f. 12-8-1970.
18. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.

CHAPTER VI

Nullity of Marriage and Divorce

24. Void marriages.— (1) Any marriage solemnized under this Act shall be null and void [19][and may, on a petition presented by either party thereto against the other party, be so declared] by a decree of nullity if—

(i) any of the conditions specified in Clauses (a), (b), (c) and (d) of Section 4 has not been fulfilled; or

(ii) the respondent was impotent at the time of the marriage and at the time of the institution of the suit.

(2) Nothing contained in this section shall apply to any marriage deemed to be solemnized under this Act within the meaning of Section 18, but the registration of any such marriage under Chapter III may be declared to be of no effect if the registration was in contravention of any of the conditions specified in Clauses (a) to (e) of Section 15:

Provided that no such declaration shall be made in any case where an appeal has been preferred under Section 17 and the decision of the District Court has become final.

25. Voidable marriages.— Any marriage solemnized under this Act shall be voidable and may be annulled by a decree of nullity if,—

(i) the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or

(ii) the respondent was at the time of the marriage pregnant by some person other than the petitioner; or

(iii) the consent of either party to the marriage was obtained by coercion or fraud, as defined in the Indian Contract Act, 1872 (9 of 1872):

Provided that, in the case specified in Clause (ii), the Court shall not grant a decree unless it is satisfied,—

(a) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(b) that proceedings were instituted within a year from the date of the marriage; and

(c) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree:

Provided further that in the case specified in Clause (iii), the Court shall not grant a decree if,-

(a) proceedings have not been instituted within one year after the coercion had ceased or, as the case may be, the fraud had been discovered; or

(b) the petitioner has with his or her free consent lived with the other party to the marriage as husband and wife after the coercion had ceased or, as the case may be, the fraud had been discovered.

[20][**26. Legitimacy of children of void and voidable marriages.**— (1) Notwithstanding that a marriage is null and void under Section 24, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

(2) Where a decree of nullity is granted in respect of a voidable marriage under Section 25, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it has been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

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19. Substituted by Act 68 of 1976, for the words "and may be so declared", w.e.f. 27-5-1976.
20. Substituted by Act 68 of 1976 for section 26, w.e.f. 27-5-1976.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under Section 25, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of not his being the legitimate child of his parents.]

27. Divorce.— [21][(1)] Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the District Court either by the husband or the wife on the ground that the respondent-

[22][(a) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

(b) has deserted the petitioner for a continuous period of not less than two years immediately proceeding the presentation of the petition; or]

(c) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code (45 of 1860);

[23][x x x]

(d) has since the solemnization of the marriage treated the petitioner with cruelty; or

[24][(e) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

Explanation:– In this Clause-

(a) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the respondent, and whether or not it requires or is susceptible to medical treatment; or

(f) has been suffering from venereal disease in a communicable form]; or

(g) has [25][x x x] been suffering from leprosy, the disease not having been contacted from the petitioner; or

(h) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; [26][x x x]

[27][**Explanation:**– In this sub-section, the expression "desertion" means desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the wilful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expressions shall be construed accordingly;]

[28][x x x]

[29][x x x]

[27][(1-A) A wife may also present a petition for divorce to the District Court on the ground,–

21. Section 27 renumbered as sub-section (1) thereof by Act 29 of 1970, w.e.f. 12-8-1970.
22. Substituted by Act 68 of 1976, for clauses (a) and (b).
23. Proviso omitted by Act 68 of 1976, w.e.f. 27-5-1976.
24. Substituted by Act 68 of 1976, for clauses (e) and (f), w.e.f. 27-5-1976.
25. The words "for a period of not less than three years immediately preceding the presentation of the petition" omitted by Act 68 of 1976, w.e.f. 27-5-1976.
26. The word "or" omitted by Act 29 of 1970, w.e.f. 12-8-1970.
27. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
28. Certain words omitted by Act 68 of 1976, w.e.f. 27-5-1976.
29. Clauses (i) and (j) omitted by Act 29 of 1970, w.e.f. 12-8-1970.

(i) that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality;

(ii) that in a suit under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), or in a proceeding under Section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) (or under the corresponding Section 488 of the Code of Criminal Procedure, 1898) (5 of 1898), a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards.]

[30][(2) Subject to the provisions of this Act and to the Rules made thereunder, either party to a marriage, whether solemnized before or after the commencement of the Special Marriage (Amendment) Act, 1970 (29 of 1970), may present a petition for divorce to the District Court on the ground-

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.]

[31][**27A. Alternative relief in divorce proceedings.**— In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the ground mentioned in Clause (h) of sub-section (1) of Section 27, the Court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.]

28. Divorce by mutual consent.— (1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the District Court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) [32][On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months] after the said date, if the petition is not withdrawn in the meantime, the District Court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act, and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the decree.

29. Restriction on petitions for divorce during first one year after marriage.— (1) No petition for divorce shall be presented to the District Court [33][unless at the date of the presentation of the petition one year has passed] since the date of entering the certificate of marriage in the Marriage Certificate Book:

Provided that the District Court may, upon application being made to it, allow a petition to be presented [34][before one year has passed] on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the District Court at the hearing of the Petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the

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30. Inserted by Act 29 of 1970, w.e.f. 12-8-1970.
31. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
32. Substituted by Act 68 of 1976 for certain words, w.e.f. 27-5-1976.
33. Substituted by Act 68 of 1976 for certain words, w.e.f. 27-5-1976.
34. Substituted by Act 68 of 1976 for the words "before three years have passed", w.e.f. 27-5-1976.

District Court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the [35][expiry of one year] from the date of the marriage or may dismiss the petition, without prejudice to any petition, which may be brought after the [36][expiration of the said one year] upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the [37][expiration of one year] from the date of the marriage, the District Court shall have regard to the interests of any children of the marriage, and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the [38][said one year.]

30. Re-marriage of divorced persons.— Where a marriage has been dissolved by a decree of divorce; and either there is no right of appeal against the decree or if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, [39][x x x] either party to the marriage may marry again.

CHAPTER VII

Jurisdiction and Procedure

31. Court to which petition should be made.— [40][(1) Every petition under Chapter V or Chapter VI shall be presented to the District Court within the local limits of whose original civil jurisdiction-

(i) the marriage was solemnized; or

(ii) the respondent, at the time of the presentation of the petition resides; or

(iii) the parties to the marriage last resided together; or

[41][(iiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition; or]

(iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years by those who would naturally have heard of him if he were alive.]

(2) Without prejudice to any jurisdiction exercisable by the Court under sub-section (1), the District Court may, by virtue of this sub-section, entertain a petition by a wife domiciled in the territories to which this Act extends for nullity of marriage or for divorce if she is resident in the said territories and has been ordinarily resident therein for a period of three years immediately preceding the presentation of the petition and the husband is not resident in the said territories.

32. Contents and verification of petitions.— (1) Every petition under Chapter V or Chapter VI shall state, as distinctly as the nature of the case permits the facts on which the claim to relief is founded, and shall also state that there is no collusion between the petitioner and the other party to the marriage.

(2) The statements contained in every such petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.

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35. Substituted by Act 68 of 1976 for the words "expiry of three years", w.e.f. 27-5-1976.
36. Substituted by Act 68 of 1976 for the words "expiration of the said three years", w.e.f. 27-5-1976.
37. Substituted by Act 68 of 1976 for the words "expiration of the three years", w.e.f. 27-5-1976.
38. Substituted by Act 68 of 1976 for the words "said three years", w.e.f. 27-5-1976.
39. The words "and one year has elapsed thereafter but not sooner" omitted by Act 68 of 1976, w.e.f. 27-5-1976.
40. Substituted by Act 68 of 1976 for sub-section (1) w.e.f. 27-5-1976.
41. Inserted by Act 50 of 2003, w.e.f. 23-12-2003.

[42][**33. Proceedings to be *in camera* and may not be printed or published.**— (1) Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.]

34. Duty of Court in passing decrees.— (1) In any proceeding under Chapter V or Chapter VI, whether defended or not, if the Court if satisfied that,-

(a) any of the grounds for granting relief exists; and

(b) [43][where the petition is founded on the ground specified in Clause (a) of sub-section (1) of Section 27, the petitioner has not in any manner been accessory to or connived at or condoned the act of sexual intercourse referred to therein], or, where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty; and

(c) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence; and

(d) the petition is not presented or prosecuted in collusion with the respondent; and

(e) there has not been any unnecessary or improper delay in instituting the proceedings; and

(f) there is no other legal ground why the relief should not be granted; then, and in such a case, but not otherwise, the Court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act it shall be the duty of the Court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties:

[44][Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the grounds specified in Clauses (c), (e), (f), (g) and (h) of sub-section (1) of Section 27.]

[44][(3) For the purpose of aiding the Court in bringing about such reconciliation, the Court may, if the parties so desire or if the Court thinks it just and proper so to do, adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the Court if the parties fail to name any person, with directions to report to the Court as to whether reconciliation can be and has been effected and the Court shall in disposing of the proceeding have due regard to the report.

(4) In every case where a marriage is dissolved by a decree of divorce, the Court passing the decree shall give a copy thereof free of cost to each of the parties.]

[45][**35. Relief for respondent in divorce and other proceedings.**— In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make counter-claim for any relief under this Act on that ground, and if the petitioner's adultery, cruelty or desertion is proved, Court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.]

36. Alimony *pendente lite*.— Where in any proceeding under Chapter V or Chapter VI it appears to the District Court that the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, it may, on the application of the wife, order the husband

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42. Substituted by Act 68 of 1976 for section 33, w.e.f. 27-5-1976.
43. Substituted by Act 68 of 1976 for certain words, w.e.f. 27-5-1976.
44. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
45. Substituted by Act 68 of 1976 for section 35, w.e.f. 27-5-1976.

to pay to her the expenses of the proceeding, and weekly or monthly during the proceeding such sum as having regard to the husband's income, it may seem to the Court to be reasonable.

[47][Provided that the application for the payment of the expenses of the proceeding and such weekly or monthly sum during the proceeding under Chapter V or Chapter VI, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the husband.]

37. Permanent alimony and maintenance.— (1) Any Court exercising jurisdiction under Chapter V or Chapter VI may, at the time of passing any decree or at any time subsequent to the decree, on application made to it for the purpose, order that the husband shall secure to the wife for her maintenance and support, if necessary, by a charge on the husband's property such gross sum or such monthly or periodical payment of money for a term not exceeding her life, as, having regard to her own property, if any, her husband's property and ability [48][the conduct of the parties and other circumstances of the case], it may seem to the Court to be just.

(2) If the District Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as it may seem to the Court to be just.

(3) If the District Court is satisfied that the wife in whose favour an order has been made under this section has re-married or is not leading a chaste life, [49][it may, at the instance of the husband vary, modify or rescind any such order and in such manner as the Court may deem just.]

38. Custody of children.— In any proceeding under Chapter V or Chapter VI the District Court may, from time to time, pass such interim orders and make such provisions in the decree as it may seem to it to be just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes wherever possible, and may, after the decree, upon application by petition for the purpose, make, revoke, suspend or vary, from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending.

[50][Provided that the application with respect to the maintenance and education of the minor children, during the proceeding, under Chapter V or Chapter VI, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.]

[51][**39. Appeals from decrees and orders.**—(1) All decrees made by the Court in any proceeding under Chapter V or Chapter VI shall, subject to the provisions of sub-section (3), be appealable as decrees of the Court made in the exercise of its original civil jurisdiction, and such appeal shall lie to the Court to which appeals ordinarily lie from the decisions of the Court given in the exercise of its original civil jurisdiction.

(2) Orders made by the Court in any proceeding under this Act, under Section 37 or Section 38 shall, subject to the provisions of Sub-section (3), be appealable if they are not interim orders, and every such appeal shall lie to the Court to which appeals ordinarily lie from the decisions of the Court given in the exercise of its original civil jurisdiction.

(3) There shall be no appeal under this section on the subject of costs only.

(4) Every appeal under this section shall be preferred within a [52][period of ninety days] from the date of the decree or order.]

39A. Enforcement of decrees and orders.— All decrees and orders made by the Court in any proceeding under Chapter V or Chapter VI shall be enforced in the like manner as the decrees

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47. Inserted by Act 49 of 2001, w.e.f. 24-9-2001.
48. Substituted by Act 68 of 1976 for "and the conduct of the parties", w.e.f. 27-5-1976.
49. Substituted by Act 68 of 1976 for "it shall rescind the order", w.e.f. 27-5-1976.
50. Inserted by Act 49 of 2001, w.e.f. 24-9-2001.
51. Substituted by Act 68 of 1976 for section 39.
52. Substituted by Act 50 of 2003 for "period of thirty days", w.e.f. 23-12-2003.

and orders of the Court made in the exercise of its original civil jurisdiction for the time being are enforced.

40. Application of Act 5 of 1908.— Subject to the other provisions contained in this Act, and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908 (5 of 1908).

[53][**40A. Power to transfer petitions in certain cases.**—(1) Where—

(a) a petition under this Act has been presented to the District Court having jurisdiction, by a party to the marriage praying for a decree for judicial separation under Section 23 or for a decree of divorce under Section 27, and

(b) another petition under this act has been presented thereafter by the other party to the marriage praying for decree for judicial separation under Section 23, or for decree of divorce under Section 27 on any ground whether in the same District Court, or in a different District Court, in the same State or in a different State, the petition shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,—

(a) if the petitions are presented to the same District Court, both the petitions shall be tried and heard together by that District Court;

(b) if the petitions are presented to different District Courts, the petitions presented later shall be transferred to the District Court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the District Court in which the earlier petition was presented.

(3) In a case where Clause (b) of sub-section (2) applies, the Court or the Government, as the case may be, competent under the Code of Civil Procedure, 1908 (5 of 1908), to transfer any suit or proceeding from the District Court in which the later petition has been presented to the District Court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

40B. Special provisions relating to trial and disposal of petitions under the Act.— (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day, until its conclusions, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

40C. Documentary evidence.— Notwithstanding anything contained in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.]

41. Power of High Court to make rules regulating procedure.—(1) The High Court shall, by notification in the Official Gazette, make such rules consistent with the provisions contained in this Act and the Code of Civil Procedure, 1908 (5 of 1908), as it may consider expedient for the purpose of carrying into effect the provisions of Chapters V, VI and VII.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules shall provide for,—

(a) the impleading by the petitioner of the adulterer as a co-respondent on a petition for

---

53. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.

divorce on the ground of adultery, and the circumstances in which the petitioner may be excused from doing so;

(b) the awarding of damages against any such co-respondent;

(c) the intervention in any proceeding under Chapter V or Chapter VI by any person not already a party thereto;

(d) the form and contents of petitions for nullity of marriage or for divorce and the payment of costs incurred by parties to such petitions; and

(e) any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is made in the Indian Divorce Act, 1869 (4 of 1869).

CHAPTER VIII
MISCELLANEOUS

42. Saving.— Nothing contained in this Act shall affect the validity of any marriage not solemnized under its provisions; not shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage.

43. Penalty on married person marrying again under this Act.— Save as otherwise provided in Chapter III, every person who, being at the time married, procures, a marriage of himself or herself to be solemnized under this Act shall be deemed to have committed an offence under Section 494 or Section 495 of the Indian Penal Code, 1860 (45 of 1860), as the case may be, and the marriage so solemnized shall be void.

44. Punishment of bigamy.— Every person whose marriage is solemnized under this Act and who, during the lifetime of his or her wife or husband, contracts any other marriage shall be subject to the penalties provided in Sections 494 and 495 of the Indian Penal Code, 1860 (45 of 1860), for the offence of marrying again during the lifetime of a husband or wife, and the marriage so contracted shall be void.

45. Penalty for signing false declaration or certificate.— Every person making, signing or attesting any declaration or certificate required by or under this Act containing a statement which is false and which he either knows or believes to be false or does not believe to be true shall be guilty of the offence described in Section 199 of the Indian Penal Code, 1860 (45 of 1860).

46. Penalty for wrongful action of Marriage Officer.— Any Marriage Officer who knowingly and willfully solemnizes a marriage under this Act,—

(1) without publishing a notice regarding such marriage as required by Section 5, or

(2) within thirty days of the publication of the notice such marriage, or

(3) in contravention of any other provision in this Act,

shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

47. Marriage Certificate Book to be open to inspection.—(1) The Marriage Certificate Book kept under this Act shall at all reasonable times be open for inspection and shall be admissible as evidence of the statements therein contained.

(2) Certified extracts from the Marriage Certificate Book shall, on application, be given by the Marriage Officer to the applicant on payment by him of the prescribed fee.

48. Transmission of copies of entries in marriage records.— Every Marriage Officer in a State shall send to Registrar-General of Births, Deaths and Marriages of that State at such intervals and in such form as may be prescribed, a true copy of all entries made by him in the Marriage Certificate Book since the last of such intervals, and, in the case of Marriage Officers outside the territories to which this Act extends, the true copy shall be sent to such authority as the Central Government may specify in this behalf.

49. Correction of errors.—(1) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry and shall sign the marginal entry and add thereto the date of such correction and the Marriage Officer shall make the like marginal entry in the certificate thereof.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

(3) Where a copy of any entry has already been sent under Section 48 to the Registrar-General or other authority the Marriage Officer shall make and send in like manner a separate certificate of the original erroneous entry and of the marginal corrections therein made.

50. Power to make rules.—(1) The Central Government, in the case of [54][x x x] officers of the Central Government, and the State Government, in all other cases, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties and powers of Marriage Officers and the areas in which they may exercise jurisdiction;

(b) the manner in which a Marriage Officer may hold inquiries under this Act and the procedure therefore;

(c) the form and manner in which any books required by or under this Act shall be maintained;

(d) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

(e) the manner in which public notice shall be given under Section 16;

(f) the form in which, and the intervals within which, copies of entries in the Marriage Certificate Book shall be sent in pursuance of Section 48;

(g) any other matter which may be or requires to be prescribed.

[55][(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as it is made before the State Legislature.]

51. Repeals and savings.— (1) The Special Marriage Act, 1872 (3 of 1872), and any law corresponding to the Special Marriage Act, 1872 (3 of 1872), in force in any Part B State immediately before the commencement of this Act are hereby repealed.

(2) Notwithstanding such repeal,-

(a) all marriages duly solemnized under the Special Marriage Act, 1872 (3 of 1872), or any such corresponding law shall be deemed to have been solemnized under this Act;

(b) all suits and proceedings in causes and matters matrimonial which, when this Act

comes into operation, are pending in any Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in Section 6 of the General Clauses Act, 1897 (10 of 1897), which shall also apply to the repeal of the corresponding law as if such corresponding law had been an enactment.

THE FIRST SCHEDULE

[*See* Section 2 (b)]

Degree of Prohibited Relationship

PART I

1. Mother.
2. Father's widow (step-mother).
3. Mother's mother.
4. Mother's father's widow (step grand-mother).
5. Mother's mother's mother.
6. Mother's mother's father's widow (step great grand-mother).
7. Mother's father's mother.
8. Mother's father's father's widow (step great grand-mother).
9. Father's mother.
10. Father's father's widow (step grand-mother).
11. Father's mother's mother.
12. Father's mother's father's widow (step great grand-mother).
13. Father's father's mother.
14. Father's father's father's widow (step great grand-mother).
15. Daughter.
16. Son's widow.
17. Daughter's daughter.
18. Daughter's son's widow.
19. Son's daughter.
20. Son's son's widow.
21. Daughter's daughter's daughter.
22. Daughter's daughter's son's widow.
23. Daughter's son's daughter.
24. Daughter's son's son's widow.
25. Son's daughter's daughter.
26. Son's daughter's son's widow.
27. Son's son's daughter.
28. Son's son's son's widow.
29. Sister.
30. Sister's daughter.
31. Brother's daughter.
32. Mother's sister.
33. Father's sister.
34. Father's brother's daughter.
35. Father's sister's daughter.
36. Mother's sister's daughter.
37. Mother's brother's daughter.

Explanation:– For the purposes of this Part, the expression "widow" includes a divorced wife.

PART II

1. Father.
2. Mother's husband (step-father).
3. Father's father.
4. Father's mother's husband (step grand-father).
5. Father's father's father.
6. Father's father's mother's husband (step great grand-father).
7. Father's mother's father.
8. Father's mother's mother's husband (step great grand-father).
9. Mother's father.
10. Mother's mother's husband (step grand-father).
11. Mother's father's father.
12. Mother's father's mother's husband (step great grand-father).
13. Mother's mother's father.
14. Mother's mother's mother's husband (step great grand-father).
15. Son.
16. Daughter's husband.
17. Son's son.
18. Son's daughter's husband.
19. Daughter's son.
20. Daughter's daughter's husband.
21. Son's son's son.
22. Son's son's daughter's husband.
23. Son's daughter's son.
24. Son's daughter's daughter's husband.
25. Daughter's son's son.
26. Daughter's son's daughter's husband.
27. Daughter's daughter's son.
28. Daughter's daughter's daughter's husband.
29. Brother.
30. Brother's son.
31. Sister's son.
32. Mother's brother.
33. Father's brother.
34. Father's brother's son.
35. Father's sister's son.
36. Mother's sister's son.
37. Mother's brother's son.

Explanation:– for the purposes of this Part, the expression "husband' includes a divorced husband.

THE SECOND SCHEDULE

(*See* section 5)

NOTICE OF INTENDED MARRIAGE

To

Marriage Officer for the .....District.

We hereby give you notice that a marriage under the Special Marriage Act, 1954, is intended to be solemnized between us within three calendar months from the date hereof.

Name	Condition	Occupation	Age	Dwelling place	Permanent dwelling place if present dwelling place not permanent	Lengh of residence
AB	Unmarried Widower Divorcee					
CD	Unmarried Widow Divorcee					

Witness our hands this .....day of .....20.....

(Sd) AB

(Sd) CD

THE THIRD SCHEDULE

(*See* section 11)

DECLARATION TO BE MADE BY THE BRIDEGROOM

I, A.B., hereby declare as follows:–

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
2. I have completed ..... years of age.
3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) A.B. the (Bridegroom)

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:–

1. I am at the present time unmarried (or a widow or a divorcee, as the case may be.)
2. I have completed ..... years of age.
3. I am not related to A.B. (the bridegroom) within the degree of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) C.D. (the Bride)

Singed in our presence by the above-named A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage.

(Sd.) G.H.
(Sd.) I.J. Three witnesses
(Sd.) K.L.

Countersigned E.F.,
Marriage Officer

Dated the .....day of ..... 20.....

THE FOURTH SCHEDULE

(*See* section 13)

CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the ..... day of ..... 19....., A.B. and C.D* appeared before me and that each of them, in my presence and in the presence of three witnesses who have signed hereunder, made the declarations required by section 11 and that a marriage under this Act was solemnized between them in my presence.

(Sd.) E.F.,
Marriage Officer for
(Sd.) A.B.,
Bridegroom
(Sd.) C.D.,
Bride
(Sd.) G.H.
(Sd.) I.J. Three witnesses
(Sd.) K.L.

Dated the .....day of .....19.....

* Herein give particulars of the parties.

THE FIFTH SCHEDULE

(*See* section 16)

CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS

I, E.F., hereby certify that A.B. and C.D.* appeared before me this ..... day of ..... 19 ..... and that each of them, in my presence and in the presence of three witnesses who have signed hereunder have declared that a ceremony of marriage has been performed between them and that they have been living together as husband and wife since the time of their marriage, and that in accordance with their desire to have their marriage registered under this Act, the said marriage has, this ..... day of.....19 ..... been registered under this Act, having effect as from.

(Sd.) E.F.,
Marriage Officer for
(Sd.) A.B.,
Husband
(Sd.) C.D.,
Wife
(Sd.) G.H.
(Sd.) I.J. Three witnesses
(Sd.) K.L.

Dated the .....day of .....20.....

* Herein give particulars of the parties.

*THE KERALA SPECIAL MARRIAGE RULES, 1958

In exercise the powers conferred by Section 50 of the Special Marriage Act, 1954 (Central Act 43 of 1954), the Government of Kerala hereby make the following

Rules

1. (1) These rules may be called the Kerala Special Marriage Rules 1958

(2) They extend to the whole of the State of Kerala

(3) They shall come into force on the First day of February 1958.

2. In these rules–

(a) the Act means the Special Marriage Act, 1954 (Central Act 43 of 1954)

(b) Form means a Form appended to these rules

(c) Section means a section of the Act

3. Every Marriage Officer shall cause his name, designation and the regular working hours of his office to be written in English and in the language or languages of the District and displayed in a conspicuous part of the building in which his office in situated.

4. (a) Notice of any intended marriage under the act shall be given in writing in the form specified in the Second Schedule to the Act, to the Marriage Officer by both the parties intending to enter into the Marriage either in person or by registered post.

(b) Where the notice is delivered in person, the fee prescribed thereof in Rule 10 shall be paid directly in cash to the marriage Officer. Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter expense and receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.

(c) As soon as the notice has been received by the Marriage Officer, a distinctive serial number shall be entered on it and such number and the date of receipt of the notice shall be attested by the signature of the Marriage Officer. If the notice is in conformity with the requirement of the Act, it shall be entered in the Marriage Notice Book which shall be a bound volume, the pages of which are machine-numbered consecutively, with a nominal index attached. If the notice is not in conformity with the requirements of the Act it shall be got rectified by the parties if they are present, or returned to them by post for rectification and retransmission within a date to be fixed. Every item of rectification shall be attested by both the parties.

(d) The Marriage Officer may for the purpose of satisfying himself that the parties to a marriage have completed the age specified in Section 4(c) require them to produce birth certificate or any other satisfactory evidence to prove their age.

5. A true copy of the notice under the seal and signature of the Marriage Officer shall be exhibited in a conspicuous place in his office.

6. (a) Where an objection to the solemnization of an intended marriage together with the fee prescribed therefor in Rule 10 has been received and recorded by the Marriage Officer, he shall, unless by the order in writing he rejects the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in Section 4 enquire into the objection on a day to be fixed by him. The day so fixed shall not be later than thirty days from the date of the objection.

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* Published in Kerala Gazette No. 5, dt. 4-2-1958.

(b) The Marriage Officer shall, at the time of recording the objection, ascertain from the objector whether he has any documents on which he relies or whether he desires any witnesses or witness to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to produce the documents or the witness on the day fixed for the enquiry. If the objector desires that summonses shall be issued to the witnesses to appear and give evidence or to produce any document, the Marriage Officer shall issue such summonses to the witnesses cited, on payment of the process fee prescribed therefor in Rule 10 and the reasonable expenses of traveling and subsistence of the Witnesses The enquiry relating to the objection including the production of documents and the examination of witness shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in Section 8, If within the prescribed period, the documents are not produced and witnesses do not appear before the Marriage Officer, the Marriage Officer shall take a decision without waiting for the production of such documents or the appearance of such witnesses.

(c) The Marriage Officer shall also give notice of the date and time fixed for the enquiry to the parties to the intended marriage.

(d) The notice or summons to any party or witness under this rule shall be in Form 1 or 11, as the case may be, and shall be sent by registered post.

(e) On the date fixed for the enquiry or on any adjourned date, the Marriage Officer shall record in his own hand the evidence given in the course of enquiry, his decision on the objection and the reason therefor.

7. (a) An application under Section 16 for the registration of a marriage celebrated in other forms shall be in Form III

(b) Such application shall be presented to the Marriage Officer by any one of the parties in person or sent to him by registered post.

(c) Notice of the application under sub-rule (a) shall be given by the Marriage Officer by exhibiting a true copy thereof under his seal and signature in a conspicuous place outside his office. The notice shall also state that objections, if any to the registration of the marriage should be preferred by the objector in person orally or in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited

(d) Any objection received within the said period together with the fee prescribed therefore in Rule 10 shall be recorded and the enquiry in respect there to made as nearly as possible in the manner prescribed in Rule 6.

8. The Marriage Officer may, on application by both the parties to the marriage, solemnize the same at any place outside his office provided the additional fee prescribed therefore in Rule 10 is paid and the hour is not unreasonable.

9. The Marriage certificate Book shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached, Every marriage certificate entered therein during each calendar year shall be consecutively numbered and every authenticated copy of a certificate issued to the parties shall bear this number and the date, month and the year in which the certificate was entered.

10. The following fees shall be levied by the Marriage Officer–

		Rs.	np.
(i)	For every notice of intended marriage or application for the registration of a marriage to be paid by the parties to the marriage	3	0
(ii)	For recording an objection (to be paid by the objector)	2	0
(iii)	For every enquiry into an objection (to be paid by the objector)	50	0

(iv)	For every notice and for every summons to a witness to appear and give evidence or produce a document (to be paid by the objector)	0	50
(v)	For solemnizing or registering a marriage (to be paid by the parties to the marriage)	10	0
(vi)	For a certified copy of an entry–		
	(a) In the Marriage Notice Book other than an entry relating to an objection, or		
	(b) In the Marriage Certificate Book (to be paid by the applicant)	2	0
(vii)	For a certified copy of an entry in the Marriage Notice Book other than a notice or of any other proceeding not already provided for (to be paid by the applicant)	2	0
(viii)	For solemnizing a marriage at any place outside the office of the Marriage Officer, in addition to the fee in entry (v) (to be paid by the parties to the marriage)	15	0

Note:– This fee may be appropriated by the Marriage Officer. No travelling allowance shall, however, be claimed in addition.

For making a search (to be paid by the applicant)–		
(a) if the entry is of the current year-	0	50
(b) if the entry related to any previous year or years	1	0
	(for each such year)	

(ix) The fees prescribed above shall be paid either in person or remitted by money order to the Marriage Officer.

A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and the rules, The receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine-numbered consecutively. All moneys received by the Marriage Officer except the fee mentioned in entry (viii) above shall be remitted into the local treasury.

(x) Copies of entries in the Marriage Certificate Book which Marriage Officers are required to send under Section 48 to the Registrar General of Births, Deaths and Marriages shall be certified in Form IV and shall be sent at intervals of three months on or as nearly as possible after, the 1st of January, April, July and October in each year. Should no entries have been made in the book during the preceding three months a certificate to this effect shall be sent to the said Registrar-General.

11. The Registrar-General of Births, Deaths and Marriages shall cause indexes of copies of entries in Marriage Certificate Books received by him in a bound register the pages of which are machine-numbered consecutively. Separate Registers may be maintained for each Marriage Officer or separate pages in the same Register may be allotted for each Marriage Officer.

12. Copies of the entries from Marriage Certificate Books received in accordance with Rule 11 will be arranged in a file book in the chronological order. Separate file book will be maintained for each Marriage Officer.

13. The Register of indexes referred to in Rule 12 shall at all reasonable times be open for inspection on payment of a fee of annas eight if the reference relates to the current year of a fee or rupee one if the reference related to any other year.

14. Copies of the entries from Marriage Certificate Books kept in the file book may be given to any person who apply for them on the payment of a fee of rupees two.

15. A copy of the entry given under Rule 15 shall be certified by the Registrar General of

Births, Deaths and Marriages and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.

16. The Registrar-General of Births, Deaths and Marriages shall exercise a general superintendence over all Marriage Officers in the State.

FORM - I

[*See* Rule 6 (d)]

NOTICE

Before the Marriage Officer.....(place)

In the Matter of the Special Marriage Act, 1954, and

In the matter of the } intended marriage between / application to register the marriage

between

A B

and } (give names and addresses)

C D

E F Objector.

To

Notice of an indended marriage

WHEREAS ——————————————————

An application for the registration of the marriage between A B and C D was received by the Marriage Officer .....on, whereas E F has preferred certain objection (set out overleaf) to the Solemnization/ an enquiry into the matter of the said objection on .....day of.....20.....at his office, you are hereby required to be present at..... a.m./p.m. on the said day together with all documents on which you rely and any witness or witnesses whom you may desire to be examined on your behalf.

Take notice that in default of your appearance on the aforesaid day, the inquiry will be made and decided in your absence.

Should you apprehend that your witness will not attend unless summoned by the Marriage Officer, you should apply to the Marriage Officer for the issue of such summons sufficiently early together with the prescribed process fee and the reasonable expenses of traveling and subsistence of the witness.

(Set out the Objection on the reverse of this notice)

Given under my hand and seal.....

Station (Signature)
Date Marriage Officer

(Seal)

FORM II

[*See* Section 6(d)]

SUMMONS TO WITNESS

Before the Marriage Officer.....(Place)

In the matter of the Special Marriage Act, 1954

and

In the matter of the intended marriage/application to register the marriage between

A B and C D (give names and addresses).

E F Objector.

To.....

WHEREAS your attendance is required to give evidence on behalf of..... in the above matter, you are hereby required to appear personally before me or to cause to be produced before me the document specified hereunder, on the..... day of..... 20..... at.....am./pm.

If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of nonattendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Take notice that, in default of your appearance on the aforesaid day, the inquiry will be made and decided in your absence.

Given under my hand and seal.

Station
Date

Marriage Officer

(Seal)

FORM III

[*See* Rule 7 (a)]

APPLICATION FOR REGISTRATION OF A MARRIAGE UNDER SECTION 15 OF THE SPECIAL MARRIAGE ACT, 1954, (CENTRAL ACT, 43 OF 1954)

1. Names of parties — A B (Husband)
   C D (Wife)
2. Age or Date of Birth — Husband.
   Wife
3. Permanent dwelling place, if any.....
4. Present dwelling Place.....
5. Relationship, if any, of parties before marriage.....
6. A ceremony of marriage was performed between A B and C D on.....at.....and we declare that we have been living together as husband and wife ever since the date noted above.

We hereby declare that–

(i) neither of us has more than one spouse living on the date mention in this application.
(ii) neither of us, is an idiot or lunatic
(iii) both of us have completed the age of twenty one years on the date of this application.
(iv) we are not within the degree of prohibited relationship. Our marriage was celebrated before the commencement of the Special Marriage Act, 1954 (Central Act 43 of 1954), and according to the law, custom or usage having the force of law, governing each of us, a marriage between us is permitted, though we are within the degrees of prohibited relationship according to the Act aforesaid,

Note:– Score out whichever is not applicable.

(v) We have been residing within the jurisdiction of the Marriage Officer at..... for a period of not less than thirty days immediately preceding the date of this application.

We also declare that all the above particulars are true to the best of our knowledge and belief.

Station
Date.....

Signature.

FORM IV

(*See* Rule 11)

FORM OF CERTIFICATE

Certified that the above entries from the Marriage Certificate Book in this office bearing serial number.....are true copies of all the entries in the Marriage Certificate Book kept by me for the three months ending.

or

Certified that no entries have been made in the Marriage certificate Book in this Office during the three months ending.

Station.
Date.....

Signature.

THE HINDU MARRIAGE ACT, 1955

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*THE HINDU MARRIAGE ACT, 1955

(Act 25 of 1955)[1]

An Act to amend and codify the law relating to marriage among Hindus.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

PRELIMINARY

1. Short title and extent.— (1) This Act may be called the Hindu Marriage Act, 1955.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to Hindus domiciled in the territories to which this Act extends who are outside the said territories.

2. Application of Act.— (1) This Act applies—

(a) to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation:– The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:–

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; and

(c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

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* Came into force as on 18-5-1955.

1. The Act has been extended to Union Territory of Dadra and Nagar Haveli by Regulation 6 of 1963, w.e.f. 1-7-1965 and Pondicherry by Regulation 7 of 1963, w.e.f. 1-10-1963. The Act has been extended to Sikkim by S.O. 311(E), dated 28-4-1989, w.e.f. 1-5-1989.

(3) The expression "Hindus" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

3. Definitions.— In this Act, unless the context otherwise requires,-

(a) the expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy; and

Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(b) "District Court" means, in any area for which there is a City Civil Court, that Court, and in any other area the principal Civil Court of original jurisdiction, and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(c) "full blood" and "half blood"- two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;

(d) "uterine blood" - two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

Explanation:– In Clauses (c) and (d), "ancestor" includes the father and "ancestress" the mother;

(e) "prescribed" means prescribed by rules made under this Act;

(f) (i) "Sapinda relationship" with reference to any person extends as far as the third generation (inclusive) in the line of ascent through the mother, and the fifth (inclusive) in the line of ascent through the father, the line being traced upwards in each case from the person concerned, who is to be counted as the first generation;

(ii) two persons are said to be "sapindas" of each other if one is a lineal ascendant of the other within the limits of sapinda relationship, or if they have a common lineal ascendant who is within the limits of sapinda relationship with reference to each of them;

(g) "degrees of prohibited relationship" - two persons are said to be within the "degrees of prohibited relationship"-

(i) if one is a lineal ascendant of the other; or

(ii) if one was the wife or husband of a lineal ascendant or descendant of the other; or

(iii) if one was the wife of the brother or of the father's or mother's brother or of the grandfather's or grandmother's brother of the other; or

(iv) if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters;

Explanation:– for the purposes of clauses (f) and (g), relationship includes-

(i) relationship by half or uterine blood as well as by full blood;

(ii) illegitimate blood relationship as well as legitimate;

(iii) relationship by adoption as well as by blood; and all terms of relationship in those clauses shall be construed accordingly.

4. Overriding effect of Act.— Save as otherwise expressly provided in this Act,—

(a) any text rule or interpretation of Hindu Law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it is inconsistent with any of the provisions contained in this Act.

HINDU MARRIAGES

5. Condition for a Hindu Marriage.— A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:–

(i) neither party has a spouse living at the time of the marriage;

[2][(ii) at the time of the marriage, neither party–

(a) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(b) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(c) has been subject to recurrent attacks of insanity [3][x x x];]

(iii) the bridegroom has completed the age of [4][twenty-one years] and the bride, the age of [5][eighteen years] at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;

[6][x x x]

6. Guardianship in Marriage.— [Repealed by the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978), w.e.f. 1-10-1978.]

7. Ceremonies for a Hindu marriage.— (1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

(2) Where such rites and ceremonies include the saptadi (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.

8. Registration of Hindu Marriages.— (1) For the purpose of facilitating the proof of Hindu marriages, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Hindu Marriage Register kept for the purpose.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified, and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.

(3) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(4) The Hindu Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the prescribed fee.

(5) Notwithstanding anything contained in this section, the validity of any Hindu marriage shall in no way be affected by the omission to make the entry.

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2. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.
3. The words "or epilepsy" omitted by Act 39 of 1999, w.e.f. 29-12-1999.
4. Substituted by Act 2 of 1978 for the words "eighteen years", w.e.f. 1-10-1978.
5. Substituted by Act 2 of 1978 for the words "fifteen years", w.e.f. 1-10-1978.
6. Clause (vi) omitted by Act 2 of 1978, w.e.f. 1-10-1978.

RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

9. Restitution of conjugal rights.— [7][x x x] When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

[8][**Explanation:**– Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.]

[9][x x x]

10. Judicial separation.— [10][(1) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in sub-section (1) of Section 13, and in the case of a wife also on any of the grounds specified in sub-section (2) thereof, as grounds on which a petition for divorce might have been presented.]

(2) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

NULLITY OF MARRIAGE AND DIVORCE

11. Void marriages.— Any marriage solemnized after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto [11][against the other party], be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of Section 5.

12. Voidable Marriages.— (1) Any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:-

[12][(a) that the marriage has not been consummated owing to the impotence of the respondent; or]

(b) that the marriage is in contravention of the condition specified in clause (ii) of Section 5; or

(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner [13][was required under Section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978)], the consent of such guardian was obtained by force [14][or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent]; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

(2) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage-

(a) on the ground specified in clause (c) of sub-section (1) shall be entertained if-

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7. The brackets & figure "(1)" omitted by Act 68 of 1976, w.e.f. 27-5-1976.
8. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
9. Sub-section (2) omitted by Act 68 of 1976, w.e.f. 27-5-1976.
10. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.
11. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
12. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.
13. Substituted by Act 2 of 1978 for the words "is required under section 5", w.e.f. 1-10-1978.
14. Substituted by Act 68 of 1976, for the words "or fraud", w.e.f. 27-5-1976.

(i) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or

(ii) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered;

(b) on the ground specified in clause (d) of sub-section (1) shall be entertained unless the court is satisfied-

(i) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(ii) that proceedings have been instituted in the case of a marriage solemnized before the commencement of this Act within one year of such commencement and in the case of marriages solemnized after such commencement within one year from the date of the marriage; and

(iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of [15][the said ground].

13. Divorce.— (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party-

[16][(i) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

(ia) has, after the solemnization of the marriage, treated the petitioner with cruelty; or

(ib) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or]

(ii) has ceased to be a Hindu by conversion to another religion; or

[17][(iii) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

Explanation:– In this clause,–

(a) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party, and whether or not it requires or is susceptible to medical treatment; or]

(iv) has [18][x x x] been suffering from a virulent and incurable form of leprosy; or

(v) has [18][x x x] been suffering from venereal disease in a communicable form; or

(vi) has renounced the world by entering any religious order; or

(vii) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive; [19][x x x]

[20][**Explanation:**– In this sub-section, the expression "desertion" means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or

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15. Substituted by Act 68 of 1976, for the words "the grounds for a decree" w.e.f. 27-5-1976.
16. Substituted by Act 68 of 1976 for clause (i), w.e.f. 27-5-1976.
17. Substituted by Act 68 of 1976 for clause (iii), w.e.f. 27-5-1976.
18. Omitted by Act 68 of 1976, w.e.f. 27-5-1976.
19. The word "or" omitted by Act 44 of 1964, w.e.f. 27-5-1976.
20. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.

against the wish of such party, and includes the willful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expressions shall be construed accordingly.]

[21][x x x]

[22][(1A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of [23][one year] or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of [23][one year] or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.]

(2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground-

(i) in the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner:

Provided that in either case the other wife is alive at the time of the presentation of the petition; or

(ii) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or [24][bestiality; or]

[25][(iii) that in a suit under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), or in a proceeding under Section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) [or under the corresponding Section 488 of the Code of Criminal Procedure, 1898 (5 of 1898)], a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards;

(iv) that her marriage (whether consummated or not) was solemnized before she attained the age of fifteen years and she has repudiated the marriage after attaining that age but before attaining the age of eighteen years.

Explanation:– This clause applies whether the marriage was solemnized before or after the commencement* of the Marriage Laws (Amendment) Act, 1976 (68 of 1976).]

[26]**[13A. Alternate Relief in Divorce Proceedings.**— In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the grounds mentioned in clauses (ii), (vi) and (vii) of sub-section (1) of Section 13, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.]

[26]**[13B. Divorce by mutual consent.**— (1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the District Court by both

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21. Clauses (viii) and (ix) omitted by Act 44 of 1964, w.e.f. 20-12-1964.
22. Inserted by Act 44 of 1964, w.e.f. 20-12-1964.
23. Substituted by Act 68 of 1976 for the words "two years", w.e.f. 27-5-1976.
24. Substituted by Act 68 of 1976 for the words "bestiality", w.e.f. 27-5-1976.
25. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
* 27th May, 1976.
26. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.

the parties to a marriage together, whether such marriage was solemnized before or after the commencement* of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the Court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.]

14. No petition for divorce to be presented within one year of marriage.— (1) Notwithstanding anything contained in this Act, it shall not be competent for any Court to entertain any petition for dissolution of a marriage by a decree of divorce, [27][unless at the date of the presentation of the petition one year has elapsed] since the date of the marriage:

Provided that the court may, upon application made to it in accordance with such rules as may be made by the High Court in that behalf, allow a petition to be presented [28][before one year has elapsed] since the date of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the [29][expiry of one year] from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after the [30][expiration of the said one year] upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the [31][expiration of one year] from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the [32][said one year].

15. Divorced persons when may marry again.— When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, it shall be lawful for either party to the marriage to marry again.

[33][x x x]

[34][**16. Legitimacy of children of void and voidable marriages.**— (1) Notwithstanding that marriage is null and void under Section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement* of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

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* **27th May,** 1976.

27. **Substituted** by Act 68 of 1976 for certain words, w.e.f. 27-5-1976.
28. **Substituted** by Act 68 of 1976 for the words "before three years have elapsed", w.e.f. 27-5-1976.
29. **Substituted** by Act 68 of 1976 for the words "expiry of three years", w.e.f. 27-5-1976.
30. **Substituted** by Act 68 of 1976 for the words "expiration of the said three years", w.e.f. 27-5-1976.
31. **Substituted** by Act 68 of 1976 for the words "expiration of three years", w.e.f. 27-5-1976.
32. **Substituted** by Act 68 of 1976 for the words "said three years", w.e.f. 27-5-1976.
33. **Proviso omitted** by Act 68 of 1976, w.e.f. 27-5-1976.
34. **Substituted** by Act 68 of 1976 w.e.f. 27-5-1976.

(2) Where a decree of nullity is granted in respect of a voidable marriage under Section 12, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under Section 12, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.]

17. Punishment of Bigamy.— Any marriage between two Hindus solemnized after the commencement of this Act is void if at the date of such marriage either party had a husband or wife living; and the provisions of Sections 494 and 495 of the Indian Penal Code (45 of 1860), shall apply accordingly.

18. Punishment for contravention of certain other conditions for a Hindu marriage.— Every person who procures a marriage of himself or herself to be solemnized under this Act in contravention of the conditions specified in clauses (iii), (iv), [35][and (v)] of Section 5 shall be punishable-

[36][(a) in the case of a contravention of the condition specified in clause (iii) of Section 5, with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both;]

(b) in the case of a contravention of the condition specified in clause (iv) or clause (v) of Section 5, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both; [37][x x x]

(c) [38][x x x]

JURISDICTION AND PROCEDURE

[39][**19. Court to which petition shall be presented.**— Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction–

(i) the marriage was solemnized, or

(ii) the respondent, at the time of the presentation of the petition, resides, or

(iii) the parties to the marriage last resided together, or

[40][(iiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or]

(iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.]

20. Contents and verification of Petitions.— (1) Every petition presented under this Act shall state as distinctly as the nature of the case permits the facts on which the claim to relief is founded [41][and, except in a petition under Section 11, shall also state] that there is no collusion between the petitioner and the other party to the marriage.

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35. Substituted by Act 2 of 1978 for "(v) and (vi)", w.e.f. 1-10-1978.
36. Substituted by Prohibition of Child Marriage Act, 2006. Prior to the substitution it read as under:
"(a) in the case of a contravention of the condition specified in clause (iii) of section 5, with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both;".
37. The word "and" omitted by Act 2 of 1978, w.e.f. 1-10-1978.
38. Clause (c) omitted by Act 2 of 1978, w.e.f. 1-10-1978.
39. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.
40. Inserted by Act 50 of 2003, w.e.f 23-12-2003.
41. Substituted by Act 68 of 1976, for the words "and shall also state", w.e.f. 27-5-1976.

(2) The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.

21. Application of Act 5 of 1908.— Subject to the other provisions contained in this Act and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

[42][**21A. Power to transfer petitions in certain cases.**— (1)Where—

(a) a petition under this Act has been presented to a District Court having jurisdiction by a party to a marriage praying for a decree for a judicial separation under Section 10 or for a decree of divorce under Section 13; and

(b) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree for judicial separation under Section 10 or for a decree of divorce under Section 13 on any ground, whether in the same District Court or in a different District Court, in the same State or in a different State,

the petitions shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,-

(a) if the petitions are presented to the same District Court, both the petitions shall be tried and heard together by that District Court;

(b) if the petitions are presented to different District Courts, the petition presented later shall be transferred to the District Court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(3) In a case where clause (b) of sub-section (2) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, 1908 (5 of 1908), to transfer any suit or proceeding from the District Court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

21B. Special provision relating to trial and disposal of petitions under the Act.— (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

21C. Documentary evidence.— Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.]

[43][**22. Proceedings to be *in camera* and may not be printed or published.**— (1) Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

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42. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
43. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.

23. Decree in proceedings.— (1) In any proceeding under this Act, whether defended or not, if the Court is satisfied that-

(a) any of the grounds for granting relief exists and the petitioner [44][except in cases where the relief is sought by him on the ground specified in sub-clause (a), sub-clause (b) or sub-clause (c) of clause (ii) of Section 5] is not in any way taking advantage of his or her own wrong or disability for the purpose of such relief, and

(b) where the ground of the petition is the ground specified [45][xxx] in clause (i) of sub-section (1) of Section 13, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty, and

[44][(bb) when a divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence, and]

(c) [46][the petition (not being a petition presented under section 11)] is not presented or prosecuted in collusion with the respondent, and

(d) there has not been any unnecessary or improper delay in instituting the proceeding, and

(e) there is no other legal ground why relief should not be granted, then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act, it shall be the duty of the Court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties:

[47][Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the grounds specified in clause (ii), clause (iii), clause (iv), clause (v), clause (vi) or clause (vii), of sub-section (1) of Section 13.

(3) For the purpose of aiding the Court in bringing about such reconciliation, the court may, if the parties so desire or if the Court thinks it just and proper so to do, adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the Court if the parties fail to name any person, with directions to report to the Court as to whether reconciliation can be and has been, effected and the court shall in disposing of the proceeding have due regard to the report.

(4) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties.]

[48][**23A. Relief for respondent in divorce and other proceedings.**— In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner's adultery, cruelty or desertion is proved, the Court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.]

24. Maintenance *pendente lite* and expenses of proceedings.— Where in any proceeding

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44. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
45. The words "in clause (f) of sub-section (i) of section 10, or" omitted by Act 68 of 1976,, w.e.f. 27-5-1976.
46. Substituted by Act 68 of 1976 for the words "the petition", w.e.f. 27-5-1976.
47. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.
48. Inserted by Act 68 of 1976, w.e.f. 27-5-1976.

under this Act it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the Court to be reasonable:

[49][Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.]

25. Permanent alimony and maintenance.— (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall [50][x x x] pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant [51][the conduct of the parties and other circumstances of the case], it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(2) If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the Court is satisfied that the party in whose favour an order has been made under this Section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, [52][it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.]

26. Custody of children.— In any proceeding under this Act, the Court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceedings for obtaining such decree were still pending, and the Court may also from time to time revoke, suspend or vary any such orders and provisions previously made:

[53][Provided that the application with respect to the maintenance and education of the minor children, pending the proceeding for obtaining such decree, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.]

27. Disposal of property.— In any proceeding under this Act, the Court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.

[54][**28. Appeals from decrees and orders.**— (1) All decrees made the by Court in any proceeding under this Act shall, subject to the provisions of sub-section (3), be appealable as decrees of the Court made in the exercise of its original civil jurisdiction, and every such appeal

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49. Inserted by Act 49 of 2001, w.e.f. 24-9-2001.
50. The words "while the applicant remains unmarried" omitted by Act 68 of 1976, w.e.f. 27-5-1976.
51. Substituted by Act 68 of 1976 for the words "and the conduct of the parties", w.e.f. 27-5-1976.
52. Substituted by Act 68 of 1976 for the words "it shall rescind the order", w.e.f. 27-5-1976.
53. Inserted by Act 49 of 2001, w.e.f. 24-9-2001.
54. Substituted by Act 68 of 1976, w.e.f. 27-5-1976.

shall lie to the Court to which appeals ordinarily lie from the decisions of the Court given in exercise of its original civil jurisdiction.

(2) Orders made by the Court in any proceeding under this Act under Section 25 or Section 26 shall, subject to the provisions of sub-section (3), be appealable if they are not interim orders, and every such appeal shall lie to the Court to which appeals ordinarily lie from the decisions of the Court given in exercise of its original civil jurisdiction.

(3) There shall be no appeal under this section on the subject of costs only.

(4) Every appeal under this section shall be preferred within a [55][period of ninety days] from the date of the decree or order.

28A. Enforcement of decrees and orders.— All decrees and orders made by the Court in any proceeding under this Act shall be enforced in the like manner as the decrees and orders of the Court made in exercise of its original civil jurisdiction for the time being are enforced.]

SAVINGS AND REPEALS

29. Savings.— (1) A marriage solemnized between Hindus before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the same *gotra* or *pravara* or belonged to different religions, castes or sub-divisions of the same caste.

(2) Nothing contained in this Act shall be deemed to affect any right recognised by custom or conferred by any special enactment to obtain the dissolution of a Hindu Marriage, whether solemnized before or after the commencement of this Act.

(3) Nothing contained in this Act shall affect any proceeding under any law for the time being in force for declaring any marriage to be null and void or for annulling or dissolving any marriage or for judicial separation pending at the commencement of this Act, and any such proceeding may be continued and determined as if this Act had not been passed.

(4) Nothing contained in this Act shall be deemed to effect the provisions contained in the Special Marriage Act, 1954 (43 of 1954) with respect to marriages between Hindus solemnized under that Act, whether before or after the commencement of this Act.

30. Repeals.— (Repealed by the Repealing and Amendment Act, 1960 (58 of 1960), Section 2 and the First Schedule.)

55. Substituted by Act 50 of 2003 for the words "period of thirty days", w.e.f. 23-12-2003.

*THE KERALA HINDU MARRIAGE REGISTRATION RULES, 1957

In exercise of the powers conferred by sub-section (i) of Section 8 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), the Government of Kerala hereby make the following Rules for the registration of the Hindu Marriage; namely :—

RULES

1. These Rules may be called the Kerala Hindu Marriage Registration Rules, 1957.

2. They shall come into force on such date as the Government may by notification in the Gazette appoint.

3. **Definitions.**— In these Rules, unless the context otherwise requires,—

(a) "Registrar General" means the Registrar General of Births, Deaths and Marriages appointed by the Government under Section 6 of the Births, Deaths and Marriages Act, Central Act VI of 1886.

(b) "Local Registrar" means any person appointed by Government in accordance with Rule 4 to be Registrar of Marriages for–

(i) the whole or part of the local area comprised within the limits of Trivandrum City, or

(ii) the whole or part of a local area comprised in any Municipality in Kerala State established under provisions of law for the time being in force, or

(iii) the whole or part of a Revenue Village or group of Revenue Villages.

**[(bb) "District Registrar" means any person appointed in accordance with rule 4A to be a District Registrar;]

(c) "Local Registration area" means the jurisdiction assigned to a "Local Registrar".

(d) "Compulsory Registration area" means the local Registration area in which registration of marriages is declared by the Government to be compulsory in accordance with sub-section (2) of Section 8.

(e) "Marriage" means a marriage solemnised in accordance with the provisions of the Act.

(f) "Register" means the Hindu Marriage Register kept in Form II in accordance with Section 8.

(g) "Act" means the Hindu Marriage Act, 1955 (Central Act XXV of 1955).

(h) "Section" means a Section of the Act.

(i) "the Government" means the Government of Kerala.

(j) "Inspecting Officer" means any officer deputed by the Registrar General to inspect the Marriage records.

(k) "Form" means a form appended to these Rules.

4. Government may appoint by notification in the Gazette any person by name or by virtue of the office held by him to be a "Local Registrar" and define "the local Registration area" constituting his jurisdiction.

**[4A. Government may appoint by Notification in the Gazette any person by name or by virtue of the office held by him to be a District Registrar for every revenue district.]

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* Published in Kerala Gazette No. 43 dated 22-10-1957.

** Inserted by S.R.O. No. 986/2005, published in Kerala Gazette Extraordinary No. 2388 dt. 7-11-2005.

5. The Local Registrar shall unless permitted otherwise by the Registrar General, reside with in his jurisdiction and maintain an office, at the outer door of which shall be displayed a signboard indicating his designation and hours of business.

6. As soon as may be possible and not later than 15 days after the solemnisation of a marriage, the husband may and in compulsory registration area shall give or cause to be given a report about the marriage in Form No. 1 (in original and duplicate) to the Local Registrar in whose jurisdiction the marriage was solemnised. The report may be sent by registered post or delivered personally or through messenger. In case a marriage report is delivered personally or through messenger, the Local Registrar shall give a receipt indicating the fact of his having received the report. The date on which the marriage report was received shall be indicated in the receipt as also in the Marriage report and attested by the initials of the Local Registrar:

[1][Provided that the Local Registrar may entertain an application whether presented in person or messenger or sent by registered post after the expiry of the said period of 15 days but within 30 days from the date of marriage if he is satisfied that there is sufficient ground for the delay. Where such application is filed after the period of 30 days, such application may be entertained with the [1A][Special Permission of the District Registrar concerned.]

7. The Local Registrar shall after verifying the entries in the marriages report referred to in Rule 6 for accuracy and completeness enter the various particulars in a Register in Form II and attest his signature in the space specified therefor. The entries relating to each marriage shall be given serial numbers consecutively beginning with the first day of January and ending with the last day of December.

8. The Register referred to in Rule 7 shall be a bound book-the pages of which are machine numbered.

9. No correction of the entries in the register shall be made without the concurrence of an "Inspecting Officer", changes in material particulars like name, age, date etc. shall be done invariably only after obtaining the sanction of the Registrar General.

10. (1) The local Registrar shall within a week after the close of each month detach the duplicates of the Marriage Reports received and registered by him and forward the same to the Registrar General:

Provided that if it is directed by the Registrar General that the duplicate reports shall be forwarded through a specified authority the reports shall be forwarded through the authority so specified.

(2) The originals of the marriage report received by the Local Registrar shall be filed by him as permanent record.

11. The Registrar General shall have all the duplicate marriage reports received from the Local Registrars scrutinised for accuracy and completeness and file them in his office as permanent record.

12. The Registrar General shall cause indexes of marriage reports received by him being prepared and maintained in his office. The index registers shall be in bound books the pages of which are machine numbered and may be kept open for inspection by any person who desires to do so during office hours.

13. Application for certified extracts of the Register shall fulfil the following conditions:–

(i) it shall be addressed to the Registrar General or Local Registrar.

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1. Added by G.O. (P) 92/2001/Law dt. 2-2-2001, published as SRO. No. 104/2001 in Kerala Gazette Extraordinary No. 185 dt. 2-2-2001, with immediate effect.

1A. Substituted for the words "special permission of the Registrar General" by S.R.O. No. 986/2005, published in Kerala Gazette Extraordinary No. 2388 dt. 7-11-2005.

(ii) it shall contain the names of the parties to the marriage, the name and address of the applicant and the place and date of the marriage.

(iii) court fee stamps to the value of [2][Three Rupees] shall be affixed to it.

[3][Note:– Applicants who desire to get the extract of the Register in stamp paper shall also produce the required stamp paper for the purpose, before the Registrar.]

14. The Local Registrar shall prepare and grant the extract under his signature and seal in Form No. III:

Provided that if the Registrar General directs that the extract shall be countersigned by any authority duly specified by him, before delivery to the applicant the Local Registrar shall comply with such direction.

15. (1) The Registrar General may authorise any Officer to be an "Inspecting Officer" for the purpose of the rules, and assign the jurisdiction of such Inspecting Officer, subject to approval of Government.

(2) Regular periodical inspection of the Registers and connected records kept by the Local Registrars shall be done by the Inspecting Officers in accordance with the instructions of the Registrar General.

(3) The Registrar General shall arrange for the printing and supply of forms and registers required for use by Local Registrars.

16. (1) Notwithstanding any of the provisions contained in these rules, the failure by a party to a marriage to comply with the direction in Rule 6 shall, if the marriage had been solemnised in a compulsory registration area be punishable on conviction by a Magistrate with fine which may extend to twenty-five rupees.

(2) Prosecutions of offences referred to in sub-rule (1) shall be instituted only with the sanction of the Registrar General.

(3) The Rules passed by Government under any other enactment for the time being in force for the Registration of marriages of any section of the Hindus shall for "compulsory registration areas" stand repealed.

FORM No. I

Received on .....

Initials of Local Registrars .....

Place of marriage } Taluk ..... Town ..... Village ..... Date of marriage

Particulars	Husband	Wife
Name	A.B.	C.D.
Age		
Birth place (if available)		
Civil condition (at the time of marriage)		
Occupation		
Residence		
Name of father or guardian		

We hereby declare that the particulars specified above are correct to the best of our knowledge.

Signature of Husband.....

Signature of Wife.....

(If the wife is a minor, signature of legal guardian at the time of marriage)

2. Substituted by SRO. No. 123/86, published in Kerala Gazette No. 3 dt. 21-1-1986.
3. Inserted by SRO. No. 123/86, published in Kerala Gazette No. 3 dt. 21-1-1986.

Two witnesses—

1. Name
   Address
   Signature
2. Name
   Address
   Signature

Signature of Local Registrar.

FORM No. II

(*See* Rule 7)

Place of marriage } Taluk..... Town..... Village..... Date of marriage.....

Particulars	Husband	Wife
Name	A.B.	C.D.
Age		
Birth place (if available)		
Civil condition (at the time of marriage)	Unmarried/ Widower/ Divorced	Unmarried/ Widow/ Divorced
Occupation		
Residence		
Name of father or guardian		

We hereby declare that the particulars specified above are correct to the best of our knowledge.

Signature of Husband.....

Signature of Wife.....

If the wife is a minor, signature of legal guardian at the time of marriage

Two witnesses—

1. Name
   Address
   Signature
2. Name
   Address
   Signature

Registered as No. .....

Date .....

Signature of Local Registrar.

FORM No. III

(*See* Rule 14)

Certificate of Marriage

Place of marriage } Taluk..... Town..... Village..... Date of marriage.....

Particulars	Husband	Wife
Name	A.B.	C.D.
Age		
Birth place		

Civil condition
Occupation
Residence
Name of father or guardian

Witnesses–

1. Name
   Address

2. Name
   Address

Registered as No..... .....
Date .....
Date of extract .....
Number .....

(Sd)
Local Registrar.

NOTIFICATIONS

G.O. MS. No. 247/75/LA&SWD. dated: 29-9-1975

S.R.O. No.— In supersession of the Notification No.47326/59/Home (E) Department, dated the 5th November 1960 published in Kerala Gazette Part I, dated 15th November, 1960 the Government of Kerala hereby appoint the Director of Panchayats and Chief Registrar, Births and Deaths, Trivandrum, as the Registrar General of Marriages, for purposes of Section 48 of Special Marriage Act, 1954 (Central Act 43 of 1954).

Explanatory Note

(This note is not a part of this Notification but is intended to indicate its general purport).

By Notification No. 47326/59/Home (E) Department, dated 5th November, 1960 Government have appointed the Director of Health Services, as the Registrars General of Births, Deaths and Marriages for the purpose of Section 48 of the Special Marriage Act, 1954 (Central Act 43 of 1954) out of which the work of Registration of Births and Deaths have been further entrusted to the Director of Panchayats, as per Notification I, issued in G.O. MS. 73/70/DD, dated 31st March, 1970 of the Development (Panchayat Special) Department, by appointing Director of Panchayats as the Chief Registrar.

For the sake of administrative convenience, and to bring these three items of work which are inter-connected under the same agency, the Government now propose to appoint the Director of Panchayats who is the Chief Registrar of Births and Deaths, as the Registrar General of Births, Deaths and Marriages, also, for purposes of Section 48 of the Special Marriages Act, 1954 (Central Act 43 of 1954) and to administer the three enactments now controlling the Registration of marriages viz. (1) The Hindu Marriages Act, 1955 (Act 25 of 1955), (2) The Special Marriage Act (Act 43 of 1954), and the Christian Marriage Act (Act XV of 1872). This notification is intended to achieve the above object.

Circular No.B 1-14092/76 dated 3-3-1976.

Sub:- The Kerala Hindu Marriage Registration Rules, 1957 — Keeping of report forms — Instructions issued.

As per G.O. MS. 246/75/LA & SWD,. dated 29th September, 1975 and G.O. MS. 247/75/LA & SWD dated 29th September, 1975 published in Gazette Extraordinary, dated 29th September 1975, Government have appointed the Director of Panchayats as the Registrar General of Marriages to administer the three enactments (viz., The Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and the Christian Marriage Act) now controlling the Registration of Marriages.

The time limit of 15 days fixed under Rule 6 of the Kerala Hindu Marriage Registration Rules, 1957 applies both to compulsory and non-compulsory area. As far as this State is concerned no area is declared as compulsory registration area under the said Rules. As long as the registration is not compulsory in non-compulsory area, fixing of a time limit is not in any way useful for any practical purposes. As the registration is intended for the purpose of facilitating the proof of marriages

and of statistics, the application received beyond time limit can also be accepted. But the marriages solemnised before 20th May, 1959, i.e., before the Kerala Marriage Registration Rules came into force need not be registered.

It has been noticed that certain Registrars are not maintaining the Marriage registers as laid down in the Kerala Hindu Marriage Registration Rules. This is dereliction of duty and will have to be viewed seriously. All concerned are requested to maintain the Marriage registers properly as laid down in the said rules.

Recently an instance has come to the notice of the Director of Panchayats/ Registrar General of Marriages that the summons from a Court, directing a Registrar of Marriages to produce a particular report of a marriage before the court, could not be complied as the report was found missing. Ultimately the case before the court was dismissed for want of evidence regarding marriage. Form No.I regarding the original report about the marriage is an important record and Rule 10(2) of the Kerala Hindu Marriage Registration Rules, 1957 insists that reports have to be filed as a permanent record. In spite of the seriousness given to the records, some of the Executive Offices/ Registrars not taking steps to keep these records properly which results in great hardship to the public. All Registrars are therefore directed, that the reports on marriages for each year must be kept separately and safely with dockets thereon. All these reports along with the Register for the year must be kept in a steel almirah. An index of these registers must also be kept by the Registrars. The Panchayats Inspectors and the District Panchayat Officers will see that these instructions are strictly complied with by the Executive Officers/Registrars of Panchayats.

Letter No.10362/75/DHS., dated 13th September, 1975 of the Director of Health Services.

Sub:- Kerala Hindu Marriage Registration Rules, 1975 — Duplicates of the marriage reports- Forwarding of — Regarding.

As per the Hindu Marriage Act, 1955 and the rules framed hereunder the Executive Officers of Panchayats and the Municipal Commissioners are the Local Marriage Registrars in the areas concerned. The Marriage Registrars were already made known to forward duplicate marriage reporting forms to this office, at the end of each month. Only a very few marriage registrars are forwarding it to this office promptly. This causes difficulties in understanding how far the facilities for the registration of marriages are utilised properly. The preparation of the reports incorporating complete and accurate date on registration of marriages also becomes difficult.

I, therefore, request you to give directions to them to forward the duplicate copies of marriage reporting forms to this office, promptly. The reporting forms if not sent, may also be requested to be forwarded to this office at the earliest.

THE KERALA CINEMAS (REGULATION) ACT, 1958

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THE KERALA CINEMAS (REGULATION) RULES, 1988

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*THE KERALA CINEMAS (REGULATION) ACT, 1958

(Act 32 of 1958, as amended by Act 22 of 1960, 22 of 1975 & 7 of 1980)

An Act to provide for the regulation of exhibitions by means of cinematograph in the State of Kerala.

Preamble:— Whereas it is expedient to provide for the regulation of exhibitions by means of cinematographs in the State of Kerala;

Be it enacted in the Nineth Year of the Republic of India as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Cinemas (Regulation) Act, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification appoint[1].

2. Definitions.— In this Act, unless the context otherwise requires,–

(1) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

[2][(1 A) "Local Authority" means a Village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) as the case may be;"]

(2) "Notification" means a notification published in the Gazette;

(3) "Place" includes a house, building, tent and any description of transport, whether by water, land or air;

(4) "Prescribed" means prescribed by rules made under this Act;

(5) "State" means the State of Kerala.

3. Cinematograph exhibitions to be licensed.— Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. [3][**Licensing authority.**—The authority having power to grant a licence under this Act (hereinafter referred to as the licensing authority) shall be the [4][Secretary] of the local authority within whose jurisdiction the place in respect of which the licence is to be granted is situate:

Provided that the Government may, by notification, constitute for the whole or any part of the State such other authority as they may specify in the notification to be the licensing authority for the purposes of this Act].

5. Restrictions on powers of licensing authority.— (1) The licensing authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely:—

(a) the interest of the public generally,

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* Published in Kerala Gazette Extraordinary No. 92 dt. 17-7-1958.

1. Act came into force on 1-12-1958 as per G.O. (MS)/441 dt. 29-11-1958.
2. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
3. Section 4 Substituted by Act 22 of 1975 w.e.f. 5-7-1975.
4. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(b) the status and previous experience of the applicant;

(c) the suitability of the place where the cinematograph exhibitions are proposed to be given;

(d) the adequacy of existing places for the exhibition of cinematograph films in the locality;

(e) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;

(f) the possession by the applicant of other places, if any licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time, and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality, whether within the jurisdiction of the same local authority or not, or by any police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibitions.

(2) The licensing authority shall not grant a licence unless it is satisfied that—

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein:

Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause against the proposed action.

(3) The licensing authority may, after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences under this Act may be granted.

(4) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities, and every licensing authority shall give effect to such orders and directions.

(5) Subject to the foregoing provisions of the section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine.

(6) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof, whether absolute or by way of security or otherwise, shall be valid unless approved in writing by the licensing authority.

(7) Any person aggrieved by the decision or order taken or passed by the licensing authority under this Act may, within such time as may be prescribed, appeal-

[5][(i) Where the licensing authority is the executive authority of a local authority and such executive authority has taken the decision or passed the order without the previous concurrence of that local authority, to that local authority; and]

(ii) in any other case, to such officer or authority as the Government may, by notification, specify in this behalf.[6]

[7][(8) [7A]Any officer or authority appointed by the Government in this behalf by notification,

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5. Substituted by Act 22 of 1975 w.e.f. 5-7-1975.
6. Revenue Divisional Officers are appellate authorities as per S.R.O. 1157/78, published in Kerala Gazette Extraordinary No. 50 dt. 12-12-1978.
7. Substituted by Act 22 of 1975 w.e.f. 5-7-1975.

7A. District Collectors are appointed as revisional authorities as per S.R.O. 1158/78 published in Kerala Gazette No. 50 dt. 12-12-1978.

may, either of his or its own motion or otherwise, call for the records of any case in which an order has been passed in appeal under sub-section (7) and pass such order thereon as he or it thinks fit:

Provided that no order shall be passed under this sub-section without giving the party who may be affected thereby an opportunity of being heard.]

6. Licensing authority to permit construction and reconstruction of buildings, installation of machinery, etc., for cinematograph exhibitions.— (1) Any person who intends-

(a) to use any place for the exhibition of cinematograph films; or

(b) to use any site for constructing a building thereon for the exhibition of cinematograph films; or

(c) to construct any building for such exhibition; or

(d) to instal any machinery in any place where cinematograph exhibitions are proposed to be given shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed and any provision contained in [8][the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994)] or in the rules made under any of them in so far as it relates to any of the matters specified above, shall not apply to any application made under this section.

(2) The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed [9][xxxx] grant or refuse permission and the provisions of sections 5,10 and 11 relating to licences shall, so far as may be, apply to permission under this section:

[10][Provided that the previous concurrence of the local authority shall not be necessary for renewal of a permission under sub-section (1).]

7. Power of Government to issue directions.— The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films or such other films having special value to the public, as may have been approved by the Government in that behalf from time to time; and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted:

Provided that no direction issued under this section shall require the licensee to exhibit any such films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

8. Power of licensing authority to issue directions.— The licensing authority may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority:

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in any one show.

[11]**[8A. Power to enter place of cinematograph exhibition to inspect licence or to prevent exhibition without licence or in violation of the provisions.**— (1) The licensing authority or any person authorised by him in writing in this behalf may enter at any reasonable time any place used for cinematograph exhibition and inspect the licence, if any, issued under this Act.

(2) If the licensing authority or the person so authorised is satisfied that—

(a) there is no such licence; or

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8. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.
9. Omitted by Ibid.
10. Inserted by Act 22 of 1975 w.e.f. 5-7-1975.
11. Section 8A Inserted by Act 22 of 1960 w.e.f. 13-10-1960.

(b) the place is used for cinematograph exhibition in violation of any of the provisions of this Act or the rules issued thereunder or of any condition or restriction upon or subject to which the licence has been granted, the licensing authority or such person may, without prejudice to any other action that may be taken in respect of such violation, prevent the further exhibition of cinematograph films in that place without licence or in violation of the provisions, conditions or restrictions aforesaid and may, for that purpose, use such force as may be necessary:

Provided that before preventing the further exhibition of cinematograph films in that place the licensee or other person exhibiting cinematograph films shall be given a reasonable opportunity to show cause against the proposed action.]

9. Power of Government or District Collector to suspend exhibition of films in certain cases.— The Government in respect of the whole of the State or any part thereof, and the District Collector within his jurisdiction may,—

(i) if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, or

(ii) for any other sufficient reason, by order, suspend the exhibition of the film; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him:

Provided that this sub-section shall not apply where the Government or the District Collector proposing to issue the order are or is satisfied that owing to any emergency or for some other reason to be recorded by them or him in writing it is not reasonably practicable to give to that person an opportunity of showing cause:

Provided further that a copy of the reasons recorded by the Government or the District Collector for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government or the District Collector, as the case may be shall be final.

(4) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, vary or discharge the order.

(5) An order issued under sub-section (1) shall, remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period or periods not exceeding six weeks in the aggregate as they think fit:

Provided that the Government or the District Collector may review their own order.

10. Penalties.— (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, not being rules made under clause (k) of sub-section (2) of section 13, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to [12][ten thousand rupees] and, in the case of a continuing offence, with a further fine which may extend to [12][one thousand rupees] for each day during which the offence continues.

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12. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(2) If any person contravenes the provisions of any rules made under clause (k) of sub-section (2) of section 13, he shall be punishable with fine which may extend to [12][one thousand rupees].

(3) Where after a prosecution for an offence under sub-section (1) has been commenced, the licensing authority has reason to believe that the holder of the licence is again committing the offence or continues to commit it, the licensing authority may by notice warn the holder of the licence not to continue the offence. If the holder of the licence still persists in committing the offence the licensing authority may suspend the licence pending the result of the prosecution.

11. Power to revoke licence.— (1) Where the holder of a licence has been convicted of an offence under section 10 of this Act or under section 7 of the Cinematograph Act, 1952 or under [13][section 10 of the Kerala Local Authorities Entertainments Tax Act, 1961 (20 of 1961)], the licence may be revoked by the licensing authority by an order in writing.

(2) Where the holder of a licence has been convicted of an offence mentioned in sub-section (1) and the licence has not been revoked by the licensing authority, the [14][local authority] may call for and examine the record of any proceeding taken under that sub-section, call for any report in connection therewith and may pass such order in reference thereto as [14][it] thinks fit:

Provided that no order shall be passed under this sub-section without giving an opportunity to show cause to the party who may be affected by the order.

12. Power to revise proceeding under the Act.— The Government may call for and examine the record of any proceeding taken under this Act, call for any report in connection therewith make or cause to be made any further enquiry and may pass such order in reference thereto as they think fit:

Provided that no order shall be passed under this section without giving an opportunity to show cause to the party who may be affected by the order.

[15][**12A. Protection of action taken in good faith.**— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.]

13. Power to make rules.— (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the terms, conditions and restrictions subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (7) of section 5 may be preferred, and the fees to be paid in respect of such appeal;

(d) the procedure to be followed by persons submitting applications for permission under section 6;

(e) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;

(f) the matters to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building, or the installation of machinery;

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13. Substituted by Act 22 of 1977 w.e.f. 4-6-1975, for the words Section 13 of the T.C. Places of Public Resort Act, 1951 or under section 13 of the Madras Places of Public Resort Act, 1888 or under section 10 of the T.C. Local Authorities Entertainments Tax Act, 1951 or under section 14 of the Madras Entertainments Tax Act, 1939.
14. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
15. Section 12A inserted by Act 22 of 1960 w.e.f. 13-10-1960.

(g) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (f);

(h) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;

(i) the procedure to be followed by the licensing authority before granting or refusing permission under section 6 and any other matter incidental thereto;

(j) the procedure for approval of films for the purposes of section 7;

(k) the prohibition or regulation of smoking in cinema theatres;

(3) All rules made under this Act shall be laid for not less than fifteen days before the Legislative Assembly, as soon as possible after they are made and shall be subject to such modifications, whether by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

14. Power to exempt.— The Government or any officer authorised in this behalf may, by order in writing, exempt, subject to such conditions and restrictions as they may impose,—

(i) any cinematograph exhibition to which public are not admitted or to which public are admitted without payment; or

(ii) any cinematograph exhibition provided for purposes which are educational, cultural or scientific, by any institution, society, committee or other organisation not conducted or established for profit; or

(iii) any place where a cinematograph exhibition referred to in clause (i) or (ii) is given,

from any of the provisions of this Act or of any rules made thereunder.

15. Repeal.— The Travancore-Cochin Cinemas (Regulation) Act, 1955 (IX of 1955) and the Madras Cinemas (Regulation) Act, 1955 (IX of 1955) as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), are hereby repealed:

Provided that any licence, appointment, notification, order, rule, form or bye-law, issued or made or deemed to have been issued or made under the repealed Acts shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been issued or made under the provisions of this Act, unless and until it is superseded by any licence, appointment, notification, order, rule, form or bye-law issued or made under this Act.

[16][THE SCHEDULE]

[x x x x]

16. Schedule omitted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), published in Kerala Gazette Extra No. 869 dt. 12-5-2000.

*THE KERALA CINEMAS (REGULATION) RULES, 1988

S.R.O. No. 986/88.— In exercise of the powers conferred by Section 13 of the Kerala Cinemas (Regulation) Act, 1958 (32 of 1958), and in supersession of the Kerala Cinemas (Regulation) Rules, 1975, published under G.O. (Ms) 109/75 dated the 6th September, 1975 as S.R.O. No. 846/75 in the Kerala Gazette No. 40 dated the 14th October, 1975, the Government of Kerala hereby make the following rules for the regulation of exhibition by means of cinematographs in the State of Kerala, namely:–

PART I

General

1. Short title and commencement.— (1) These rules may be called the Kerala Cinemas (Regulation) Rules, 1988.

[1](2) They shall come into force on such day as the Government may notify.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) 'Act' means the Kerala Cinemas (Regulation) Act, 1958.

(b) 'Auditorium' means the portion of the licensed place in which accommodation is provided for the public to view cinematograph exhibition;

(c) 'Enclosure' means the portion of the licensed place in which the cinematograph apparatus is erected;

(d) 'Executive Engineer' means in the case of Municipal Corporations and Municipalities where there are full-time Engineers of the rank of Executive Engineers in the Public Works Department such Engineers and in other cases the Executive Engineer of the Buildings Division of the Public Works Department having jurisdiction over the area;

(e) 'Government' means the Government of Kerala;

(f) 'Health Officer' means in the case of Municipalities and Corporations having full-time Health Officers, such Health Officers and in other cases, the District Medical Officer of Health having jurisdiction over the area;

(g) 'Permanent building' means a building which is constructed with R.C.C. Columns or Steel Columns, rubble or brick walls, R.C.C. balcony, iron tresses and roof of A.C. or G.I. or R.C.C. and includes buildings which are air-conditioned and buildings which are not air-conditioned;

(h) 'Permanent Cinema' means a cinematograph apparatus and plant installed in a permanent building for the purpose of cinematograph exhibition;

(i) 'Temporary building' means a building which is not a permanent building;

(j) 'Temporary Cinema' means cinematograph apparatus and plant installed in a temporary building for the purpose of cinematograph exhibition.

(2) Other expressions not defined in these rules shall have the same meaning as have been assigned to them in the Act.

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* Published as per G.O. (p) 94/88/Home dt. 9-8-1988 as S.R.O No. 986/88, and as G.O. (P) No. 94/88/ Home.dt. 9th August, 1988.

1. Date of commencement 19-8-1988 as per S.R.O No. 1010/88.

PART II

Licences

3. No person (other than a company or association) shall be entitled to obtain or hold any permit or licence under the Act unless such person has attained the age of 18 years.

4. Every application to the licensing authority for permission under Section 6 of the Act shall be in writing in Form 'A' and shall be accompanied by:

(i) Structural design complete plans, elevations and sections, of the premises and of all erections or buildings thereon drawn correctly to the scale of 1 cm to 1 metre and electrical schematic physical layout of electrical equipments and earthing arrangements including A.C. equipment and details of layout of acoustic arrangement;

(ii) A site plan on a separate sheet showing the position of such premises in relation to any adjacent premises and to the public thoroughfare upon which the site of such premises abuts, drawn to a scale of 1 cm. to 400 cm;

Explanation:— (a) The site plan should clearly indicate the surrounding roads and buildings which exist up to a distance of 100 metres of the proposed site, showing all Educational Institutions, Hospitals, Temples, Mosques, Churches or other places of Public Worship.

(b) The cardinal points shall be marked on such drawings. The materials employed in the construction of buildings shall be clearly indicated in the drawings.

(c) The width of all staircases and the number of steps in each, the width of corridors, gangways, and doorways together with height of any gallaries or tiers in such premises and in any of the erections or buildings in connection there with as are more than one tier in height indicating on such drawings the floor, roof and ventilation and the details of any intended electric installation shall be indicated. The thickness of the walls and scantling of the various materials used shall be clearly shown on such drawings by figured dimensions;

(iii) records necessary to prove ownership or lawful possession of the site;

(iv) receipt for the payment of the fee at the rates prescribed under sub-rule (1) of Rule 19;

(v) six additional copies of the application accompanied by copies of plans and other papers mentioned in Clauses (1), (ii) and (iii).

5. (1) Within fifteen days of receipt of the application, the Licensing Authority after inspecting the site shall scrutinise the same and if it is in order he shall forward a copy each of the application, plan and other connected records to the Executive Engineer, the Chief Electrical Inspector, the Town Planner where Master Plans are in existence and the concerned Health Officer and in the case of multiple, multi-storeyed and air conditioned theatres, to the Divisional Officer, Fire Force, for their reports within thirty days from the date of receipt of reference from him.

(2) The Executive Engineer shall arrange for the scrutiny of plan and structural design and inspection of the site with special reference to rules relating to structural aspects and communicate his remarks to the Licensing Authority within thirty days from the date of receipt of the reference from the Licensing Authority.

(3) The Chief Electrical Inspector or his nominee shall examine the designs pertaining to the Cinematograph plant and the electrical installation including air-conditioning plant and associated circuits if any and shall communicate his remarks to the Licensing Authority within 30 days from the date of receipt of the reference from the Licensing Authority.

(4) The Town Planner, within thirty days from the date of receipt of the communication from the Licensing Authority shall furnish to the Licensing Authority a report whether there is any objection in granting the permission applied for.

(5) The Health Officer shall inspect the site with reference to public health point of view and forward to the Licensing Authority his report within thirty days from the date of receipt of communication from the Licensing Authority.

(6) Divisional Officer, Fire Force shall examine the fire precautionary measures to be provided and shall communicate his remarks to the Licensing Authority within 30 days from the date of receipt of the reference from the Licensing Authority.

6. Within 30 days on receipt of the reports from the Executive Engineer, the Chief Electrical Inspector or his nominee, the Town Planner, the Health Officer and Divisional Officer, Fire Force (where called for) the Licensing Authority shall place the matter before the local authority, who may agree to the issue of permission in Form 'B' or refuse to agree to the issue of permission. The order of the Licensing Authority shall be in writing and shall contain reasons in brief for the decision. The permission shall be subject to such conditions as may be stipulated.

7. The Licensing Authority shall communicate the order, within a week from the date on which the Local Authority takes a decision, to the applicant and to the persons, if any, who have filed objections.

8. The Licensing Authority shall when the permission applied for is granted affix his signature and seal of office and also endorse his approval on the plan and other documents as approved by it and return a copy each to the applicant and also inform the Executive Engineer, the Chief Electrical Inspector or his nominee, the Town Planner, the Divisional Officer of Fire Force and the Health Officer about the permission having been granted.

9. The permission shall be valid for one year in respect of a permanent building and six months in respect of a temporary building. The said period can, on application, be renewed for successive periods, for sufficient reasons in appropriate cases, upto a maximum of ten years in respect of a permanent building and four years in respect of a temporary building by the Licensing Authority. Every application for renewal shall be in Form G and shall be accompanied by a receipt for the payment of the fee prescribed under Rule 19.

10. No addition or alteration shall be made to premises in respect of which permission has been granted or any part thereof, without the sanction of the Licensing Authority being obtained therefor and without plans and drawings relating to such addition or alteration being approved.

11. The holder of the permission shall give notice in writing to the Licensing Authority of his intention to add to or alter the permitted premises or any portion thereof and such notice shall describe clearly the intended additions or alterations and be accompanied by complete plans, elevations and sections and (block) site plan and specifications of the work proposed to be executed drawn up in the manner required in Rule 4. The Licensing Authority shall, before according sanction to the proposed addition or alteration, follow as far as may be the procedure laid down in Rules 5 to 7.

Approval of Building Construction and Issue of Licences

12. (1) The applicant shall give notice in writing to the Executive Engineer and the Chief Electrical Inspector or his nominee by registered post one month before the commencement of construction of the theatre and ancillary buildings to enable them to issue the certificates mentioned in sub-rule (3) of this rule.

(2) The Executive Engineer and the Chief Electrical Inspector or his nominee will conduct inspection of the construction to the extent necessary and will bring to the notice of the Licensing Authority in writing any unauthorised alterations or deviations which have been made or other defects noticed for appropriate action.

(3) On completion of the building and electrical installation according to the approved plan, the applicant shall obtain after an application being made—

(a) a structural soundness certificate in Form 'C' from the Executive Engineer;

(b) an electrical certificate in Form 'D' from the Chief Electrical Inspector or his nominee;

(c) a certificate from the Health Officer in respect of matters covering the provisions relating to health and cleanliness of the premises; and

(d) a certificate from the Divisional Officer, Fire Force in respect of fire protection measures in case of multiple, multi-storeyed and air-conditioned theatres.

(4) Every application for a certificate in Form 'C' shall be made to the Executive Engineer quoting the permission number and date of issue of the permission by the licensing authority. The Executive Engineer shall promptly acknowledge the receipt of the application, conduct inspection and if he is satisfied about the structural soundness of the building shall issue the certificate in Form 'C' within one month after 'receipt of the application'. The validity of such certificate shall be for three years in the case of permanent building, and up to a maximum of one year and a minimum of six months in the case of temporary buildings.

Explanation:— For the purpose of issuing a certificate under this rule, the Executive Engineer shall have power to make an inspection of the building including the right to probe any portion of the structure and to call upon the applicant for furnishing the license with detailed particulars regarding the quality and proportion of the materials used in the construction of the building.

(5) Every application for a certificate in Form 'D' shall be made to the Chief Electrical Inspector or his nominee along with necessary documents and the treasury receipt for the inspection fee as required in Rules 31 and 32. In the application the applicant shall quote the permission number and date of issue of the permission by the Licensing Authority. The receipt of the application shall be promptly acknowledged. The Chief Electrical Inspector or his nominee shall arrange for the inspection of enclosure, cinematograph apparatus, plant and electrical installations, air-conditioning installations and on inspection if satisfied, give to the applicant a certificate in Form 'D' annexed to these rules within a period of one month from the date of application. A duplicate of the electrical certificate may be granted on payment of a fee of Rupees 25. The validity of the 'D' certificate shall be for the same period as for the 'C' certificate.

(6) Every application for a certificate from the Health Officer shall be made to the Health Officer having jurisdiction over the area. The receipt of the application shall be promptly acknowledged by the Health Officer. He shall arrange for the inspection and issuance of the certificate within one month from the date of receipt of the application.

(7) Where certificate in Form 'C' and 'D' are given for lesser period than provided in these rules the reasons therefor shall be communicated to the applicant.

13. After obtaining the certificates referred to in Rule 12, the applicant shall submit his application for licence under Section 3 of the Act in writing to the Licensing Authority. The application shall be accompanied by–

(i) the certificates issued by the Executive Engineer, the Chief Electrical Inspector or his nominee concerned and the Health Officer;

(ii) a certificate from the Films Division of the Government of India that all arrangements have been made for the supply of approved films;

(iii) documentary evidence pertaining to the ownership and possession of the site, building and equipment and if he is not the owner, documentary evidence to show that he is in lawful possession of the site, building and equipments to the satisfaction of the Licensing Authority;

(iv) receipt for the payment of licence fees at the rate prescribed under sub-rule (2) of Rule 19; and

(v) the certificate from the Divisional Officer (Fire Force) in the case of multiple, multi-storeyed and air-conditioned theatres.

14. On receipt of the application for licence, as required in Rule 13, the Licensing Authority shall, within 2 weeks from the date of its receipt, issue a licence in duplicate in Form 'E' annexed to these rules or refuse to issue a licence for reasons to be recorded in writing and communicate the same to the applicant. A copy of the approved plans and drawing shall be attached to the licence. The electrical certificate shall also be delivered to the licensee.

15. No licence shall be issued by the Licensing Authority in the absence of the electrical certificate in Form 'D' and the structural soundness certificate in Form 'C' annexed to these rules.

16. The period of validity of the licence shall not extend beyond the date of validity of either of the certificates.

17. Permanent and temporary cinemas may be licensed for any period not exceeding one year provided that:

(a) if the licensee of a temporary cinema closes the cinema at any time during the currency of the licence, he shall intimate the fact to the Licensing Authority with reasons therefor and if the closure is found not for valid and justified reasons the Licensing Authority shall under intimation to the licensee declare that the licence ceases to be valid from the date of such closure and that renewal of licence shall be done only if fresh structural soundness certificate in Form 'C' and electrical certificate in Form 'D' are produced; and

(b) no fresh permission or licences shall be granted for temporary cinemas in Municipal Corporations, Municipalities and Townships in the State.

18. Every licence issued under these rules shall be exhibited in a conspicuous place in the licensed premises and shall be produced for inspection on demand by the Licensing and Inspecting Authorities or Officers authorised by such authorities.

FEES

19. (1) For every permission under Section 6 of the Act granted or renewed under these rules, a fee shall be collected at the following rates:–

Temporary Theatre	[2]Rs. 250 (Rupees two hundred and fifty only)
Permanent Theatre	[3]Rs.1000 (Rupees One Thousand only)

(2) For every licence under Section 3 of the Act when granted or renewed a fee shall be charged according to the scale laid down below:–

For an annual licence for permanent cinema and for licence for temporary cinema for a period of 12 months	[4]Rs. 1000 (One Thousand only)

(3) Duplicate of licence or permission may be granted on payment of a fee of Rupees 25.

(4) In the case of refusal of the grant or renewal of the permission or licence, a refund at the rate of one half of the total amount of the fee collected may be made to the applicant. The application for such refund shall, however, be made by the applicant within one month from the date of the receipt of the orders of rejection of his application for grant or renewal of licence or permit as the case may be.

20. In cases where it may not be feasible for the concerned authorities to issue the certificates mentioned in Rule 15 for a full term of one year, the Licensing Authority shall grant/renew licence for the period of validity of such certificates, realising only the proportionate amount of the licence fee prescribed in Rule 19. The period less than one month in such cases shall be reckoned as one month.

Renewals

21. The licensee of a temporary cinema shall give two months' advance intimation in writing to the Licensing Authority, the Executive Engineer and the Chief Electrical Inspector or his nominee of his intention to do maintenance work with details of the items of work proposed to be done and the period during which the work will be done, provided that such advance intimation shall not be necessary where the repairs have to be made in circumstances beyond the control of the licensee. The Executive Engineer and the Chief Electrical Inspector or his nominee on receipt of the intimation shall arrange for the inspection and if satisfied that the maintenance has been done satisfactorily shall advise the licensee and Licensing Authority accordingly.

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2. Substituted for Rs. 100 by SRO. 606/99 Published in Kerala Gazette 1365 dated 12.7.1999.
3. Substituted for Rs.500 as ibid.
4. Substituted for Rs.500 as ibid.

22. Every application for the renewal of the licence either permanent or temporary shall be made one month before the expiry of the existing licence. Such application shall be accompanied by the documents referred to in clauses (ii) and (iii) of rule 13 and a receipt for the payment of fees at the prescribed rate. A copy of every such application shall be sent simultaneously to the Chief Electrical Inspector or his nominee and the Executive Engineer.

23. If on an application for the renewal of licence presented under Rule 22, the Licensing Authority does not for any reason, before the date of expiry of the licence either renew and return or refuse to renew the same, he shall grant temporary permit in Form 'F' annexed to these rules provided that the electrical certificate and structural stability certificate continue to remain valid:

Provided that such temporary permit shall be subject to the condition of licences sought to be renewed and shall be valid for a period of one month from the date of grant thereof and may be renewed by the Licensing Authority for one month at the time for a maximum period of two months, within which period the Executive Engineer and the Chief Electrical Inspector or his nominee shall submit reports to the Licensing Authority and the Licensing Authority shall take final decision on the basis of the above reports. No fee shall be levied for the grant of such temporary permit in Form 'F'. The temporary permit shall during the period of validity be deemed to be a licence for the purpose of these rules.

Additions and Alterations to Cinema Premises

24. No subsequent addition or alteration shall be made to premises in respect of which is licence has been granted or any part thereof, without the sanction of the Licensing Authority being obtained therefor and without the plans and drawings relating to such addition or alteration being approved by him.

25. The licensee shall give notice in writing to the Licensing Authority of his intention to add to or alter the licensed premises or any portion thereof and such notice shall describe clearly the intended additions or alterations and be accompanied by complete plans, elevations and sections and block plan and specifications of the work proposed to be executed, drawn up in the manner required by Rule 4. The Licensing Authority shall before according sanction to the proposed addition or alteration, follow as far as may be, the procedure laid down in Rules 5 to 7. The Licensing Authority shall not accord sanction for the addition or alteration unless the Chief Electrical Inspector or his nominee and the Executive Engineer have approved the addition or alterations.

26. The licence and the plan and drawing attached thereto shall be produced on demand by any Police Officer not below the rank of Sub Inspector or by the Licensing Authority or by any persons authorised by him or by the Executive Engineer or any Officer deputed by him or the Chief Electrical Inspector or his nominee.

27. The licensee, his servants and agents shall comply with all orders issued by the Executive Engineer or the Chief Electrical Inspector or his nominee or the Licensing Authority or Police Officers acting on their behalf from time to time or as occasion arises for the safety or convenience of the public or for the preservation of order or of the public peace. The Licensing Authority may if special circumstances so require impose safeguards in addition to those laid down in these rules.

28. Restrictions in respect of distance between cinemas shall be as specified below:–

(1) There shall be no distance restriction between a permanent cinema and another permanent cinema whether they are situated in the jurisdiction of the same Licensing Authority or not.

(2) The distance between two temporary cinemas or one permanent cinema and a temporary cinema shall not be less than 800 metres provided that this distance restriction shall not apply to the case of—

(a) construction of a permanent cinema near a temporary cinema whether falling within the jurisdiction of the same Licensing Authority or not in which case the distance restriction shall be 100 metres;

(b) construction of a cinema, permanent or temporary within the jurisdiction of a local authority where there is no cinema:

Provided that–

(i) restrictions regarding distance shall not apply to cinemas existing on the date of coming into force of these rules;

(ii) temporary cinema can be licensed for a short period near a permanent cinema under construction, the period being restricted to the period of the permission for construction of the permanent cinema. Such temporary licence shall be issued for 6 months or till the date of completion of the permanent cinema whichever is less in the first instance and renewed subject to Rule 17 for periods not exceeding 3 months till the date of completion of the construction of the permanent cinema;

(iii) the distance between a permanent cinema and a temporary cinema or between two temporary cinemas, for the purpose of restricting and regulating the number of permanent cinemas and temporary cinemas in any place or in adjacent places shall be reckoned by the shortest distance between the nearest edges of the compounds where the theatres are constructed.

Appeals

29. (1) Any appeal under sub-section (7) of Section 5 of the Act against the decision taken or order passed by a Licensing Authority under the Act shall be preferred within thirty days of the date of receipt of the communication conveying the decision or order appealed against. Where the Licensing Authority is the Executive Authority or Local Authority, such an appeal may be preferred to that local authority provided that the District Collector may revise any order passed in appeal on the application of any aggrieved party.

(2) In other cases, any person aggrieved by the decision taken or order passed under the provisions of these rules by the competent authority may prefer an appeal as prescribed below, within 30 days of receipt of the communication conveying the decision taken or order passed—

(a) on the decision of the Executive Engineer, an appeal may be preferred to the Chief Engineer, Buildings;

(b) On the decision of the Health Officer an appeal may be preferred to the Director of Health Services;

(c) On decisions of the Town Planner an appeal may be preferred to the Chief Town Planner.

30. A fee of [5][Rupees one hundred] shall be paid in respect of each appeal and the memorandum of appeal shall be accompanied by receipt for the amount of the fee due on the appeal.

PART III

Inspection

31. Every enclosure, cinematograph apparatus and plant and electrical installation and air-conditioning plant shall be inspected–

(i) when first erected and thereafter at least once in every year by the Licensing Authority or an officer authorised by the Licensing Authority.

(ii) when first erected and thereafter at every renewal of the certificate in Form 'D' annexed to these rules by the Chief Electrical Inspector or his nominee;

(iii) when first erected and thereafter at every renewal of the certificate in Form 'C' annexed to these rules by the Executive Engineer:

Provided that the Chief Electrical Inspector or his nominee shall have power to inspect the apparatus, plant and electrical installation and air conditioning equipment of any premises at any time within the currency of the 'D' certificate issued in respect of the particular premises and to direct the licensee to rectify any defect noticed during such inspection. The licensee shall be

5. Substituted for 'rupees fifty' by SRO. 600/99 published in Kerala Gazette Extra No. 1365 dated 12.7.1999.

bound to carry out such direction. [6][The Chief Engineer, Buildings or his nominee not below the rank of an Executive Engineer] shall have the power to inspect the building and structure of any premises at any time within the currency of the 'C' Certificate issued in respect of the particular premises and to direct the licensee to rectify any defect noticed during such inspection and the licensee is bound to carry out such direction;

(iv) for the inspection under clause (ii) of the enclosure, the cinematograph apparatus and plant and the electrical installation and air-conditioning plant when first erected, a fee of Rupees. 300 (Rupees Three Hundred only) in the case of permanent cinema and a fee of Rupees 150 (Rupees one hundred and fifty only) in the case of a temporary cinema shall be paid in advance by the applicant for the licence and for every inspection before renewal of the certificate a fee of Rupees 150 (Rupees one hundred and fifty only) in the case of a permanent cinema installation and a fee of Rupees 75 (Rupees seventy five only) in the case of temporary cinema installation shall be paid into a Government Treasury to the credit of the Government and the treasury receipt forwarded to the Chief Electrical Inspector concerned one month before the date of expiry of the period of validity of the certificate in Form 'D' annexed to these rules.

(v) for inspection of the structural soundness of theatre building under clause (iii) a fee as provided in the Public Works Department Code shall be paid.

32. If the fees is not paid within the period aforesaid, a penalty equivalent to the fee for renewal shall also be paid into a Government Treasury, to the credit of the Government and the Treasury receipt relating to the payment of penalty shall be forwarded to the Regional Electrical Inspector concerned along with the Treasury receipt relating to the payment of the fee for the inspection:

Provided that a penalty equivalent to double the fee for renewal shall be paid if payment of the fee for inspection is delayed by more than 15 days of the aforesaid period.

33. The Executive Engineer or the Chief Electrical Inspector or his nominee concerned inspecting an installation under Rules 12 and 31 shall, if he discovers any defect therein issue written orders to the owner or person in charge for their rectification and prescribe a reasonable time within which such orders should be carried out.

Note:– Copies of such orders shall be simultaneously communicated to the Licensing Authority by the Executive Engineer or the Chief Electrical Inspector or his nominee, as the case may be.

34. If during the interval between two such inspections, any further inspection shall be in the opinion of the Executive Engineer or the Chief Electrical Inspector or his nominee or Licensing Authority have become necessary, owing to neglect or failure of the owner or person in charge to carry out any written orders issued under Rule 33 within the time prescribed by the Executive Engineer or the Chief Electrical Inspector or his nominee or owing to other reasons to be recorded in writing, a fee of Rupees Sixty shall be charged for such further inspection and such fee shall be paid by the licensee on demand.

35. The following persons shall have power to enter upon any place licensed or for which an application for grant of permission of licence has been made for the purpose of seeing that the provisions of the Act and the Rules are being carried out, namely:—

(1) The Licensing Authority, the appellate authority and the revisional authority or their nominees.

(2) The Chief Engineer, Buildings, the Executive Engineer or his nominee.

(3) The Chief Electrical Inspector or his nominee.

(4) Any Police Officer not below the rank of Sub Inspector of Police.

(5) Director of Health Services, Health Officers of Municipal Corporation/ Municipalities and

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6. Substituted by G.O.(P)27/91/Home dt. 14-2-1991 as S.R.O.237/91 Published in Kerala Gazette Extraordinary No.216 dt. 20-2-1991.

in the case of Township or Panchayat such Officer of the Health Services Department having jurisdiction over the area as may be specified by the Director of Health Services.

(6) Any Officer in the Fire Force Department not below the rank of Assistant Divisional Officer.

(7) The Director of Public Relations, the District Information Officer or his nominee.

[7]PART IV

Enclosure

36. The Cinematograph apparatus shall be placed in an enclosure of substantial construction made of, or lined with fire resisting material and or dimensions sufficient to allow the operator to work freely.

37. The enclosure shall be outside the auditorium. There shall be a rewinding room adjoining the enclosure and such rewinding room shall have its independent exit.

38. The doors of the enclosure and rewinding room and all openings, bushes and joints shall be so constructed and maintained as to prevent, as far as possible, the escape of any smoke into the auditorium. Ventilators shall be provided for the enclosure and for the rewinding room but the ventilation ducts shall not communicate direct with the auditorium. The area of the ventilating ducts of the enclosure shall not be less than one per cent of its floor area.

Explanation:— By 'bush' is meant packing inserted in the holes through which the pipes and cables, pass in order to render such holes reasonably smoke proof.

39. The openings in front of the enclosure shall not be larger than is necessary for effective projection and observation. No such opening shall exceed 0.3 metre square:

Provided that in individual cases the Chief Electrical Inspector or his nominee may, for special reasons, permit a larger opening subject to such further safety precautions being taken as may be specified.

40. Each opening shall be provided with a plate glass screen fixed in position within smokelight joints.

41. No unauthorised person shall be allowed to enter the enclosure.

42. Smoking shall not be permitted within the enclosure.

43. No inflammable articles shall except for special reasons be taken into or allowed to remain in the enclosure.

44. Cinematograph projectors shall be placed on firm support constructed of fire resistant materials.

45. All film when not in use, shall be kept in separate closed metal boxes. The metal boxes shall be of substantial construction. Each box shall have hinged cover secured by harp and staple. A rack shall be provided for storing the closed metal boxes without piling.

46. Cables for cinematograph lamps shall be taken as separate circuits from the supply side of the main fuses in the general lighting circuit.

47. An efficient double-pole switch shall be fitted within the projection room in the cinematograph lamp circuit.

48. Within the projection room the insulating material of all electric cables, including those leading to illuminating lamps, shall be covered with fire resisting material. Where the electric pressure exceeds 125 volts, all cables shall be enclosed in screwed metal conduits connected to the earth or in conduits of rigid P.V.C of ISI Standard. Lead covered cables shall not be used unless enclosed in such conduits.

49. All resistances, with the exception of resistance for regulating purposes, shall be placed outside the enclosure and if reasonably practicable outside the auditorium. If placed inside the

7. Inserted by G.O.(P) 27/91/Home dt. 14-2-1991 as SRO.237/91.

auditorium, such resistance shall be protected by an earthed wire guard or other efficient means of preventing accidental contact.

50. (1) The enclosure shall be in charge of an operator holding a licence granted by the Chief Electrical Inspector to Government on the strength of competency certificate issued by the Board of Examiners constituted by Government. The operator shall be not less than 18 years and over 60 years of age and shall be present in the enclosure during the whole time the machine is operated.

Note:– The Chief Electrical Inspector may at his discretion grant renewal of licence for further period of one year at a time if the holder of the licence produces medical certificates from a medical officer of or above the rank of Assistant Surgeon to the effect that he is fit for functioning as Cinema Operator and further satisfies other condition for renewal of licence. However the number of such renewals shall not continue after the licensee attains 65 years of age.

(2) The Chief Electrical Inspector to Government who is the licensing authority in respect of the operators under sub-rule (1) shall have the power to nominate any officer under his control to renew the licence granted by him.

(3) The operator shall satisfy himself before commencement of each performance that all cables, leads, connections and resistances as also the fire extinguishing appliances in the enclosures are in proper working order.

PART V

Building

51. No site which would admit of storm water draining into it owing to its level or location shall be used for the construction of the building unless arrangements are made to prevent effectively the flooding of the site either by draining into a storm water course, if one is available or by raising the level of the site to as adequate height by the deposit of layers of sound and non-putreciable material.

52. No site wherein the soil and sub-soil would be so saturated with water that dampness of the floor and walls of the building would be inevitable, shall be used for the construction of the building unless a damp-proof course is provided in the basement of the building not higher than the level of the lowest floor and unless the flooring is made with a material approved by the licensing authority which would effectively prevent the dampness rising in the floor of the building.

53. Every person who constructs, reconstructs, alters or adds to a building shall wherever the site is within 15 metres of any tank, reservoir, water course, river, fresh water channel or well carry out such measures as may be necessary of as Licensing Authority may direct for the purpose of preventing any contamination of or any risk of the drainage of building passing into such tank, reservoir, water course, river, fresh water channel or well.

54. The location of the cinema site shall be governed by the provisions of the Development plan and by development control rules if any and for areas having no development plans, the site shall have to be approved by the competent authority after giving due regard to the environment and involvements of the site, giving the due cognizance to safety and hygiene.

55. The building site shall be no way offend against traffic laws.

56. It shall preferably be a wholly detached building, surrounding space shall be unobstructed and shall be such as will enable the persons who are to be accommodated to disperse rapidly in the event of fire or panic and will permit the approach of fire engines and fire appliances.

57. In areas specified by the competent authority it would be permissible to construct a cinema auditorium above or below other building facilities observing due precautions as to safety, convenience and well being, of the people.

58. In the case of a building which is not wholly detached, the public ways or open spaces upon which it abuts shall be of such width as will enable the persons who are to be accommodated to disperse rapidly in the event of fire and permit the approach of fire engines and fire appliances.

[8][**59.** The building shall be provided with open spaces on all sides as provided in rule 34 of the Kerala Building Rules, 1984 and parking space for one car for every 33 seats of accommodation.]

60. Each auditorium of the building shall be provided with an adequate number of clearly indicated exits placed in such position and so maintained as to afford the audience ample means of safe and speedy exit.

61. In the auditorium there shall be one exit from every tier, floor or gallery for every 250 persons accommodated or part thereof, provided that from, every upper floor or gallery, there shall not be less than two exits and further that an exit on or by way of stage or platform shall not be reckoned as one of the exits required by this sub-clause.

62. Every exit from the auditorium shall provide a clear opening space of not less than 1.5 m in width. All exit doors through which the public has to pass shall be available for exit during the whole time the public are in the building and during such time the doors shall not be locked or bolted but kept closed provided an attendant is placed in charge of each such door whose duty it shall be to throw open the door in case of emergency.

63. All exits from the auditorium shall be clearly indicated by the word 'EXIT' in block letters 1.75 mm high and shall be so displayed as to be clearly visible in the light as well as in the dark.

64. No door which is required as exit shall be less than 1.5 m in clear width and not less than 2.1 m in clear height. The clear width shall be measured between the frame of a door.

65. All exit doors shall open outwards and shall flush with outside of the walls or shall be so fitted that when open they do not obstruct any gangway, passage, corridor, stairway or landing.

66. Every passage or corridor leading from an exit to the auditorium to a final space of exit from the building shall be of such width as will in the opinion of the authority, enable the persons who are likely to use it in an emergency to leave the building without danger of creating congestion. At no point shall any such passage or corridor be less than 1.5 m wide and it shall not diminish in width in the direction of the final place of exit.

67. Where a door is not required for exit, it shall be marked with words 'NO EXIT' in red letters. The size of letters shall be as indicated in Rule 63.

68. There shall be at least two staircases of adequate width to provide exit in gallery and upper floor of the building which is intended to be used for the purposes.

69. Passage giving access to staircases.— The width of passage giving access to a staircase shall be according to the following regulations:-

(a) Width of a passage serving a single staircase shall not be less than the width of that staircase.

(b) The width of a passage serving more than one staircase shall not be less than the width of the widest staircase it serves plus one half the sum of the width of the remaining staircase.

70. The treads shall be not less than 30 cm wide and risers not more than 15 cm high.

71. The treads and risers of steps on each flight shall be of uniform width and height.

72. Each flight shall have not more than 15 or less than three steps.

73. No staircases shall have more than two flight of 15 steps without a turn and the width of the landing between such flights shall be at least the same as the width of the staircase.

74. No staircase shall be less than 1.5 m in width which shall/cater/suffice the requirements for 100 persons and for every 15 persons the width shall be increased by 2.5 cm divided over the number of staircases provided.

75. The farthest point in a cinema building from where the staircase affords access, shall not be more than 20 m distant from such staircase.

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8. Substituted by G.O. (MS) 167/93/Home dt. 29-11-1993 as SRO. 1861/93 Published in Kerala Gazette Extraordinary No.1215 dt. 1-12-1993.

76. The floors of all landings shall not be less than 15 cm thick.

77. There shall be no recesses or projections on the walls of such staircase within at least 2 m above the steps or landing.

78. The minimum headway of a passage if used by public under the landings shall be not less than 2.1 m at any point between the top of the finished floor surface and the underside of the landing immediately above it. In case heavy floor coverings are to be used, necessary allowance for the same should be provided.

79. No stairways shall discharge into the passage or corridor against or across the direction of exit.

80. All treads of steps and stairways shall be so maintained with nonslippery surfaces.

81. (1) Ramps when provided shall be so located as to be easily visible to the users.

(2) The slope of the ramps should be such as to facilitate climbing without undue strain, but not steeper than 1.6, at the same time it should not cause the user to exert unnecessarily for climbing down.

(3) The surface of the ramp should be made reasonably skid proof either by a suitable pattern cast in situ in floor finish or by the use of chequered tiles.

(4) All ramps shall be provided with a parapet at least 800 mm high or a suitable hand-rail of the same height to prevent inadvertent falling of the users.

82. Clear aisles not less than 1.2 mm width shall be formed at right angles to the line of seating in such number and manner that no seat shall be more than 3.8 m away from an aisle, measured in the line of seating. Under the conditions where all these aisles do not directly meet the exit doors, cross aisles shall be provided parallel to the line of seating so as to provide direct access to the exit, provided that not more than one cross aisle for every 10 rows shall be required. The width of cross aisles shall be 1 m. minimum.

83. Where possible, gradients or inclined planes shall be used instead of steps but no gradient or inclined plane shall be steeper than 1 in 10.

84. If steps have to be inserted in a gangway or passage there shall be not less than three steps at any one place. The treads shall not be less than 30 cm. and risers not more than 15 cm.

85. All gangways and treads of steps shall be maintained with nonslippery surfaces and shall be kept well illuminated.

86. Druggets matting and floor covering if provided in gangways shall be securely fastened to the floor.

87. Exits and the gangways and passages leading to exit shall be kept clear of any obstruction other than rope barriers provided in accordance with rule 88. On no account shall extra seats be placed in the gangways or spectators be allowed to stand in the gangways at the time of performances in such a way as to block or reduce their effective width.

88. Rope barriers in gangways or elsewhere shall be fitted with clips or fastenings which will part in the centre on slight pressure and shall not trail on the floor.

89. No landing lobby, corridor or passage not being an internal passage between and or across rows of seats, intended for use as an exit shall be less than 1.5 m wide and there shall be no recesses or projections in the walls of such passages or corridors within 1.8 m of the ground,

90. The size of the auditorium shall be fixed in relation to the number of audience to be seated. No part of the auditorium shall provide accommodation exclusive of passages at a scale higher than 0.45 cm. per person.

91. The maximum slope of the balcony or gallery shall not exceed 350.

92. Where a balcony is provided its projection into the hall should not be more than three times the free height of the opening of the balcony recess.

93. The width of seats should be between 45 and 56 cm.

94. The back to back distance of chairs shall beat at least 85 cm. If extra comfort is required, higher spacing may be provided which shall vary between 85 to 106 cm.

95. In all cases there shall be an intervening space of at least 35 cm between the back of one seat and the front of the seat immediately behind measured between perpendiculars.

96. All seats except in boxes shall be securely fixed to the floor and if battened together or made of links, the complete link shall be firmly attached to the floor.

97. The minimum height of the auditorium shall be 6 m. The volume per person required to be provided should be 3.5 to 4.5 m per person.

98. There shall be a minimum distance of 4 metres from the screen to the front edge of first row of seating. A strong barrier or other efficient partition shall be provided to enforce this provision.

99. The screen shall be fixed in such a way that its bottom shall not be at a height of more than 2.1 metres above the ground level of the front row of accommodation.

100. Where the first tier of balcony extends over the tier below, the soffit of the balcony shall not, in any part be less than 3 m. The height between floor of the highest part of the seating and the lowest part of the coiling over the same shall not in any part be less than 3.7 m. The height between the soffit of any intermediate tier and the floor below, shall in no case be less than 2.4 m.

101. Suitable shelters for sun and rain and other atmospheric agencies affecting the health of the people shall be provided for the would be purchasers of tickets standing in queues. The shelter may be of permanent PUCCA construction or of a light type of construction with asbestos cement sheets over steel or precast reinforced concrete members. The shelter shall be so arranged that they should not affect light and ventilation and at the same time give protection against sun and rain for would be purchasers of tickets standing in queues.

102. The guide ways should be so constructed that it provides an easy flow of the traffic from the entrance to the exit of the booking counter.

103. Provisions in this Part in so far as they are in variance with the Kerala Cinemas Regulation Rules, 1975 shall not apply to existing theatres.

PART VI

Health & Sanitation

104. (1) The licensee shall provide adequate drinking water supply at such places as may be prescribed by the Licensing Authority.

(2) The licensee shall provide spittoons of such description in such numbers and in such places as may be prescribed by the Licensing Authority on the recommendation of the Health Officer and the spittoons shall be well washed with such disinfectants, as may be prescribed. Notices for using such spittoons shall be displayed in prominent parts of the cinema premises.

(3) Licensees of permanent theatres shall provide water closets at the rate of one for every 250 persons and urinals at the rate of one for every 50 persons. Licensees of temporary theatres shall provide as many water closets and urinals as may be specified by the Licensing Authority.

PART VII

Fire Precautions

105. No person shall smoke in the auditorium. Any person who contravenes the provisions of this rule shall be liable to be ejected summarily from such auditorium by any police officer in uniform present at the place.

106. The licensee, in the case of permanent A/C Theatres, shall switch on the air conditioning plants before commencing the cinematographic exhibition and should keep the A/C units running till the shows are over. The Chief Electrical Inspector or his nominee, shall have the powers to enter the premises of any permanent A/C Theatres to satisfy himself that the above provision is adhered to.

107. The following fire extinguishing appliances shall be provided.

In the enclosures: A Bucket of water, a blanket, a bucket of dry sand and a portable fire extinguisher of I.S.I. Standard.

In the auditorium: Four portable fire extinguishers of I.S.I, standard and a supply of not less than 20 litres of water per 10 square metre of floor area stored as follows:-

(i) Thirty-three per cent of the supply or 250 litres whichever is greater, stored in buckets of 10 to 15 litres capacity each inside the auditorium and the balance stored in tanks or cisterns or buckets of any capacity so arranged as to be easily accessible, the arrangements in this regard having been approved by the Licensing Authority.

(ii) These appliances shall be so disposed as to be readily available for use. The buckets shall have round bottoms and handles. They shall be painted red with the word **'Fire'** painted on them in large block letters in English and in Regional Language.

(iii) The soda acid type fire extinguishers shall be of the 10 litre size and Dry Powder type fire extinguishers shall be of the 5kg. size. Tetrachloride fire extinguishers shall not be permitted. Fire extinguishers shall be installed at an adequate height from the floor level not exceeding 1.5 metres. They shall be easily accessible and the passages leading to the extinguishers shall not be obstructed in any way. A record regarding the maintenance of the extinguishers shall be kept. For multistoryed, multiple and air-conditioned theatres such additional fire fighting equipments and facilities as may be specified by the Director of Fire Force or his nominee, shall be provided.

(iv) Where a portable fire extinguisher of the chemical combination pressure type is older than three years or has not been tested previously it shall be tested once in two years by an officer of the Fire Force Department and a certificate of such test shall be submitted to the Licensing Authority. Similar tests shall be repeated once in two years.

(v) In addition to the fire fighting equipment specified in sub-rule (i) the following equipment shall be provided and maintained:—

At least 8 buckets filled with water if there is no gallery or first floor in the premises; and at least 12 buckets filled with water if there is a gallery or first floor in the premises in which case at least 4 buckets filled with water shall be kept in the gallery or first floor. Such number of persons as may be necessary shall specifically appointed to be in charge of the fire extinguishing appliances in the auditorium during every performance and they shall be trained in the use of all fire fighting equipments maintained in the premises.

(vi) The licensee shall—

(a) once in every three months empty the container of such portable fire extinguisher provided in the licensed premises; clean its nozzles and working parts, stir the liquids in it and top it up, immediately record the date of having done so on a slip of paper and paste the same on the outside of such container; and

(b) once in every year discharge each portable fire extinguisher provided in the licensed premises and recharge it and immediately record the date of such recharge in durable paint on the external surface of the container of the portable fire extinguisher.

(vii) In addition to the requirements of sub-rule (i) and sub-rule (v) there shall be provided such other facilities for fighting fire as may be required by the Licensing Authority.

Provided that notwithstanding anything contained in sub-rule (i) and (v) above, the quantity of water to be preserved may be reduced to one half of the prescribed quantity provided that there is a steady and dependable source of water to the satisfaction of the Licensing Authority.

108. The floor, roof, ceiling, private boxes, balconies, galleries, tiers, partitions, and every room, lobby, corridor and passage intended for the use of the public shall be constructed of fire-resisting materials.

PART VIII

Electrical System

109. (1) The electric lighting of the premises shall have at least three separate distinct main circuits as follows:—

(a) for the projection room and thence through a dimming regulator to the central lighting of the auditorium.

(b) for approximately one-half of the auditorium, passage ways, stairways, exits and parts of the building open to the public; and

(c) for the remaining half of the auditorium, passage ways, stair-ways, exits and parts of the building open to the public.

The control of the circuit in respect of the two halves of the auditorium referred to in Clauses (b) and (c) shall be remote from each other.

(2) A plan (in single line) of the wiring shall be kept in a prominent place in the office of the Manager.

(3) Sufficient number of emergency lights shall be provided in the auditorium as prescribed by the Licensing Authority.

(4) No open flames shall be allowed within the auditorium or in the projection room.

110. (1) The Licensee shall ensure that the installation conforms to the provisions of Indian Electricity Act, 1910 and Indian Electricity Rules, 1956 in the matter of entire electrical installation.

(2) Separate permanent circuit should be wired up with suitable switch fuse control; for the outdoor wiring, switched outlets of 3 pin type with metal clad, watertight socket outlet should be located at convenient places at suitable heights from where supply line may be taken out, by using weather proof wires for the display lights similar to yard lighting.

(3) The outdoor lighting fitting should be water tight type.

(4) The electrical installations both in the auditorium and the projection room in the same theatre shall be done only in conduit.

(5) All the electrical apparatus, main and sub distribution boards, metal clad switches and the earth leads of the circuits shall be effectively earthed. A minimum of two earth electrodes has to be provided for a Theatre, conforming to the provisions of I.S.I. Standard in this respect.

111. (1) The wiring for the open yard lighting shall be done with weather-proof wires of suitable size according to the load of the current in that circuit, threaded through porcelain reel insulators suspended from suitable bearer wires at a height not less than four metres from ground level. The reel insulators shall be spaced 50 centimetres from each other.

(2) When a tapping is taken from the open yard wiring it should be taken only a point of support through porcelain connectors housed in a junction box fixed to the supporting pole. In the case of service it should be taken through a lead in pipe.

(3) Supply to the lights in the open yard shall be tapped from the junction boxes as above and the light brackets shall be fixed on a separate round block fixed to the supports. The wires from the junction box to the light brackets should be enclosed in earthed conduit pipes similar to the method adopted for the street light fixtures.

112. (1) Emergency lighting system working with batteries should be provided in the projection room and auditorium and in case of any failure of the electric supply the emergency light should be switched on immediately.

(2) The wiring for lighting should be done in conduit system and all cables should be enclosed in screwed metal conduits connected to the earth. The conduits should be firmly fixed with proper saddles and clips.

(3) The cables used for wiring the light circuit inside the projection room, auditorium, etc. should not be of size less than 2.5 sq.m. (1/1.8) or its equivalent.

(4) Cables with two insulations (sheathing and insulation) or one insulation and weather-proof braiding should be used for wiring in auditorium and projection room.

(5) When tappings are to be taken from any point of the wiring, junction boxes shall be provided and proper size of connector shall be used.

(6) When separate over-head lines are drawn for outdoor lighting the lines shall be drawn on strong wooden posts with at least wooden cross arms or spacers and weather proof wires of size not less than 2.5 sq.mm. shall be used.

(7) Except in Panchayat areas no loud speakers shall be fitted outside the auditorium.

(8) In all cinema theatres licensed as Air Conditioned Theatres, standby power supply of adequate capacity, as determined by the Chief Electrical Inspector to Government or his nominee in conformity with I.S.I. Standards, shall be installed to ensure adequate circulation of cooled fresh air. The temperature, the velocity of movement and the humidity of the air as well as the proportion of fresh air in the circulated air shall conform to the standards prescribed by the Chief Electrical Inspector to Government or his nominee.

(9) In all cinema theatres licensed as Air Conditioned Theatres, separate metering shall be provided to measure the energy consumed by the air conditioning system, consisting of the compressors, pumps, air handling units and the air circulating system, if any. This energy meter shall be read every hour during the show and the readings recorded by the operator in the register prescribed for the purpose by the Chief Electrical Inspector to Government or his nominee. The A.C. System shall be commissioned before the show begins and shall continue to function till the show ends including the interval if any.

(10) The Licensee shall be responsible for the proper maintenance of the electrical installation including the air conditioning system as well as for the maintenance of the register prescribed for the purpose.

PART IX

Seating

113. (1) The number of persons admitted into any part of auditorium shall not exceed the number prescribed in the licence for that part of the auditorium. The number prescribed for each part shall be clearly indicated in such part by means of a board or otherwise.

(2) The number prescribed under sub-rule (1) in respect of any part of the auditorium shall not exceed the following limits, namely:—

(i) In the case of a permanent building the number arrived at by calculating at the rate of 20 persons per 9.5 square metres of floor area in respect of such portions as are provided with chairs having backs and arms, and at the rate of 25 persons per 9.5 square metres of floor area in respect of other portions, after excluding the area of the entrance, the passages and gangways, the stage, the staircases, and all places to which the public are not admitted.

(ii) In the case of a temporary building the number arrived at by calculating at the rate of 25 persons per 9.5 square metres of floor area, after making the exclusions referred to aforesaid.

114. (1) There shall be sufficient means of artificial ventilation with the help of not less than one ceiling fan for every fifty seats and one exhaust fan for every fifty square metres of the auditorium. Guards shall be provided for ceiling fans with less than 2.5 metres clearance.

(2) Where cinema theatres are licenced as Air Conditioned Theatres, standby power supply of adequate capacity to ensure the required minimum level of thermal comfort shall be provided. In all cases where the standby generator cannot take on the full load of the complete air conditioning unit, adequate provisions shall be made to operate circulating fans as required for non-Air Conditioned Theatres as specified in Rule 114 (1). The required minimum level of thermal comfort shall be deemed to be met if the standby generator is adequate to run at least one unit of the air conditioning system with capacity of not less than one half of the complete unit, along with the air handling units and the air circulation system.

Note:- The requirements of exhaust fans shall not be insisted on in the case of temporary cinemas.

PART X

Special provisions in the case of certain cinematograph exhibitions

115. The rules in this part shall apply to—

(a) Cinematograph exhibitions given in Schools or halls for occasional public use;

(b) Cinematograph exhibitions given in the open air or in pandals, where the sides cannot be enclosed; and

(c) Cinematograph exhibitions given in any place with an enclosed bulb projector with films not greater in width than 16 millimetres.

116. (1) In the case of cinematograph exhibitions given in Schools or halls for occasional public use, the following provisions shall apply, namely:—

(a) Where it is not practicable to have a fire proof projection room, a clear space of 1.8 metres shall be railed off all round the cinematograph apparatus.

(b) No drappery or unprojected combustible material shall be within 1.8 metres of apparatus.

(c) The following fire extinguishing appliances shall be provided near the enclosure:–

(i) two portable fire-extinguishers in accordance with Rule 107,

(ii) One blanket; and

(iii) three buckets of water with one large sponge in one of the buckets.

(2) In the case of cinematograph exhibitions given in the open air or in pandals where the sides cannot be enclosed, there shall be on each side an aperture at least 2.15 metres high and 5.5 metres wide. The aperture may be closed by 'latties' fixed on split bamboo frame and fastened by twine on the inside.

(3) In the case of cinematograph exhibitions given in any place with enclosed bulb projector with non-inflammable films not greater in width than 16 millimetres, the provisions of sub-rules (1) and (2) shall not apply but free licences may be issued subject to the following conditions, in addition to the conditions of the licence in Form 'E' annexed to these rules:-

(i) The equipment shall be initially inspected by the Regional Electrical Inspector concerned who shall certify that the equipment conforms to this sub-rule.

A fee of rupee five shall be paid into a Government Treasury to the credit of the Government and the Treasury receipt forwarded to the Regional Electrical Inspector concerned fifteen days before the certificate is required.

(ii) One portable fire-extinguisher conforming to rule 108 or one bucket of dry sand shall be placed near the apparatus and when in use.

(iii) A clear space of 1.2 metres shall be left round the apparatus and none except the cinema employee shall be allowed to be within a radius of 1.2 metres of the apparatus.

The frame of the projector shall be efficiently earthed.

117. Save as provided in Rule 116, the rules contained in Parts II, IV to IX shall not apply to any cinematograph exhibitions to which this part applies; provided that the licensing authority may, in consultation with the Executive Engineer and the Regional Electrical Inspector concerned, apply to any such exhibition such of the rules contained in the said part and with such modifications as he may consider necessary.

PART XI

118. If any question arises as to the interpretation of these rules otherwise than in connection with the prosecution for an offence, the question shall be referred to the Government, whose decision shall be final.

FORM A

(*See* Rule 4)

APPLICATION FOR CONSTRUCTION/RECONSTRUCTION/LOCATION OF PERMANENT/TEMPORARY/CINEMA

To

The Municipal/Corporation Commissioner/

The Executive Officer.....Panchayat

Sir,

I hereby apply for the grant of permission for the Construction/Reconstruction/ Location of a Permanent/Temporary/Cinema ..... in my favour, and give the details as follows:

(Signature of the Applicant)

1. Full name of the applicant :
2. Father's/Husband's name and occupation :
3. Permanent address of the applicant :
   (i) Village :
   (ii) Panchayat/Municipality/Corporation :
   (iii) Taluk : Ward :
   (iv) District :
4. Present Occupation of the applicant :
5. Status, antecedents and previous experience of the applicant :

Note:– The applicant should furnish herein among other things, particulars of taxes or other dues to Government and whether, in respect of any assessment for tax, the matter is under consideration of the Government.

6. Is the application for :
   (i) Permanent cinema
   (ii) Temporary cinema
7. Place where the cinema is proposed to be located :
   (i) Survey No.
   (ii) Village: Ward :
   (iii) Taluk:
   (iv) District:
8. Site plan drawn to a scale of not less than 1 cm. to 15 metres covering an area upto 100 metres from the boundaries of the proposed site, showing:
   (i) the position of the proposed premises in relation to any adjacent premises and to the public thoroughfare upon which the site of such premises abuts; and
   (ii) thatched sheds, if any, in the neighborhood;
   (iii) The surrounding Roads and Buildings, the distance of all Educational Institutions, Hospitals, Temples, Mosques, Churches or other places of Public Worship.
9. If the land/site is not owned by the applicant:
   (i) Name and address of the owner:
   (ii) Is documents to prove the lawful occupation of the applicant enclosed.
10. Is the applicant in possession of other places licensed under the Act?
    If any: (a) Whether in the same locality or elsewhere
    (b) Whether at the time applying for licence or any previous time.
11. Is the following attached to the application?
    [Treasury receipt for payment of fee for permission under Rule 19 (1)].
12. Distance, by public road, of the proposed site, to the:
    (i) nearest permanent cinema:
    (ii) nearest temporary cinema:
    (iii) nearest educational institution:
    (iv) nearest temple or other religious institution:
13. Interest of the Public generally, likely to be served by the location of the Cinema.

14. Suitability of the place where the cinema exhibitions are proposed to be given.
15. Adequacy of the existing place for the exhibition of cinema films in the locality.
16. Population of the place according to the latest census figures.

Place: (Signature of the Applicant)

Date:

FORM B

(*See* Rule 6)

PERMISSION ISSUED UNDER RULE 6 OF THE KERALA CINEMA (REGULATION) RULES, 1988

In exercise of the powers conferred by rule 6 of the Kerala Cinemas (Regulation) Rules, 1988.

I, ... Commissioner, Corporation/Municipality/Panchayat Executive Officer of ..... do hereby grant this permission to Shri/Smt. .....son/daughter/wife of..... aged..... Taluk/Town ..... District ..... for constructing/reconstructing/locating a permanent/temporary/..... cinema use as per the approved plan in the land belonging to him/her/Shri/Smt..... bearing Sy. No. ..... Village/Ward ..... Taluk/Town..... District ..... measuring about..... Sq. metres and bounded as under:-

(Please give here the description of the site)

This permission is valid for a period of one year in the case of permanent building and three months in respect of temporary building from the date specified below for the completion of the construction of the building.

Given under my hand this the ..... day of..... 20 .....

FORM C

[*See* Rule 12 (3) (a)]

CERTIFICATE OF STRUCTURAL SOUNDNESS OF ..... THEATRE

Certified that building of .....theatre a ..... is structurally sound for the conduct of cinematographs for the period from .....

Office of the Executive Engineer Executive Engineer

.....

Date : .....

FORM D

[*See* Rule 12 (3) (b)]

GOVERNMENT OF KERALA

CERTIFICATE OF SUITABILITY OF THE ENCLOSURE, CINEMATOGRAPH APPARATUS AND PLANT AND ELECTRICAL INSTALLATION, FIRE FIGHTING APPLIANCES AND FIRE PRECAUTIONARY MEASURES AND VENTILATION/AIR CONDITIONING SYSTEM

Certificate No..... Date .....

Under Rule 12 (3) (b) of Kerala Cinema (Regulation) Rules, 19..... I certify that the enclosure, the cinematograph apparatus and plant and the electrical installation including the ventilation/air conditioning system of the Cinema known as..... and more particularly described below of which Sri ..... is the Managing Director/ Proprietor and Shri..... is the Managing Director/Proprietor and Shri..... is the Manager or person in-charge and Shri..... is/are licensed cinema operators in charge at..... on ..... are in order for both silent and talkies films.

2. I also certify that the rules regarding the fire fighting appliances and fire precautionary measures in the licensed premises have been complied with.

3. I also certify that the arrangements made for ventilation/air-conditioning systems are satisfactory.

4. This certificate is valid for a period of..... from..... to but is liable to revocation within that period.

Details of equipments

Equipment	Maker's name	Number	Capacity	Remarks
1. Projector				
2. Motor				
3. Rectifier				
4. Amplifier				
5. Fire Extinguishers				
6. Generator				
7. Transformer				
8. Slide Projector				
9. Ceiling Fans				
10. Exhaust Fans				
11. Air conditioning system (details overleaf)				

12. Operator's name..... Licence No..... dated ..... Validity period

Electrical Inspector.

FORM E

(*See* Rule 14)

LICENCE FOR EXHIBITION OF CINEMATOGRAPH SHOWS UNDER THE KERALA CINEMA (REGULATION) RULES, 1988

1. Name and address of Licensee
2. If the Licensee is not the owner of the place or building, the name and address of the owner thereof
3. Situation of the place of building
4. Area of the place or building in square metre
5. Materials of which the roof, side walls, gallery and staircases are made
6. Whether the place or building is to be used during the day or during the night, or both
7. Date of last inspection by
   (1) The Chief Electrical Inspector to Government or his nominee
   (2) The Executive Engineer, P.W.D. (Buildings and Local Works), having jurisdiction over the area.
8. Period for which the licence is to be in force
9. Fees paid

1. Special conditions if any, on which licence is granted.

(1) The licensee shall not exhibit advertisement slides relating to sexual diseases and medicines to correct sexual disorders, or purporting to assist the childless in begetting children.

(2) The Licensee shall not permit obscene or objectionable posters or pictorial publicity material to be displayed in the licensed premises.

(3) The maximum rates of payment for admission to the different classes in the licensed premises shall be as indicated below and these rates shall not be increased during the currency of this licence without an order, in writing, by the Licensing Authority permitting such increases. The order of the Licensing Authority in this regard is liable to be cancelled or modified by the State Government, if they consider such a course, just and necessary.

(4) Any person, who is aggrieved by the order, of the Licensing Authority on an application for permission to increase the said maximum rate may, within 30 days from the date of receipt of such order, appeal to the State Government who may after such inquiry as they consider necessary pass such orders thereon as they think fit.

11. Maximum number of persons permitted in each part of the auditorium.

Class of accommodation	Maximum rate of admission
In the first class	Persons
In the	Persons
In the	Persons
In the	Persons
Total	Persons

Conditions of Licence

The Licence is granted subject to the provisions of the Kerala Cinema (Regulation) Act, 1958 and the rules made thereunder. It is also subject to the following conditions. The terms and conditions of the licence as inserted may be modified or added to at any time during the currency of the licence.

1. This licence does not exempt the licensee or his servants or agents from taking out any other licence required by or otherwise complying with any other law or rule or bye-law made thereunder.

2. (a) The licensee shall not exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by the authority constituted under Section 3 of the Cinematograph Act, 1952 (This condition shall not apply to newsreels produced by the Films Division, Bombay) which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in anyway since such mark was affixed thereto.

(b) The licensee shall not exhibit or permit to be exhibited, in the place in respect of which this licence is given, to any person who is not an adult any film which has been certified by an authority constituted under Section 3 of the Cinematograph Act, 1952, as suitable for public exhibition restricted to adults.

(c) The licensee shall not display or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Government.

Explanation.— This condition shall not be construed as prohibiting the exhibition of a film, in respect of which an 'A' Certificate has been granted, to children in arms below the age of three.

3. The licensing authority and any subordinate duly authorised by him in that behalf and any police officer deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises in order to see whether the conditions of the licence are fulfilled.

4. (a) The licensee shall exhibit at each performance one or more approved films of such length and for such length of time, as the State Government or Central Government may, by general or special order, direct subject to the proviso to Section 7 of the Act.

(b) The licensee shall comply with such directions as the State Government may, by general or special order, give as to the manner in which approved films shall be exhibited in the course of any performance.

Explanation.— "Approved film" means a cinematograph film approved for the purpose of this condition by the State Government or the Central Government.

5. The licensee shall also exhibit at each performance such slides as may be supplied by the licensing authority, in such manner and for such length of time so that authority may direct subject to the proviso to Section 8 of the Act.

6. No fire work shall be used as adjunct to a cinematograph exhibition.

7. No person shall be admitted within a line.....metres in front of and parallel to the screen. A strong barrier or other efficient partition shall be provided for enforcing this condition.

8. The licensee shall not, without the permission of the licensing authority, assign, sub-let

or otherwise transfer the licence of licensed premises; nor shall the licensees, without permission as aforesaid, allow any other person during the period of currency of this licence, to exhibit films in the licensed premises.

9. In the case of travelling cinematograph shows the address on the first day of each month and of every subsequent change of camp shall be notified to the Electrical Inspector to Government.

10. The licensed premises shall not be kept open after 2 a.m. (H.E. time) on any day without obtaining special permission, in writing, from the licensing authority in respect of such day.

11. (i) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures:

(a) The title of each film to be shown on that day, other than trailers and advertisement films;

(b) The approximate time of commencement of each such film;

(c) Whether each such film has received as "A" or "U" certificate from the Central Board of Film Censors; and

(d) Whether persons below the age of 18 years, other than children below the age of 3 years shall be admitted or not;

(e) Whenever 3-D Films are exhibited, the licensee shall supply to each viewer 3-D glasses properly sterilized with Aerosole-Disinfector before the show begins. The licensee shall also procure sufficient quantity of aerosole disinfector and keep a ledger showing the number of glasses sterilized and the quantity of the material used each time and produce it for inspection on demand.

(ii) The nature of any certificate received in respect of a film from the Central Board of Film Censors shall clearly be indicated by the letter 'U' or 'A' in any advertisement of the film displayed at the premises.

12. The licence shall be subject to revocation of suspension for the breach of any of these conditions or of the special conditions specified on the reverse.

Dated this the .....day of .....20.....

Licensing Authority

FORM F

(*See* Rule 23)

TEMPORARY PERMIT FOR EXHIBITION UNDER THE KERALA CINEMAS (REGULATION) ACT, 1958

Whereas ..... (full name & address) has applied for the renewal of his licence and the said licence has been retained in my Office pending disposal of his application, he is hereby permitted temporarily to exhibit films in..... (here enter description of premises) under the Kerala Cinemas (Regulation) Act, 1958 for a period of one month from this date, subject to the provisions of Rule 23 of the Kerala Cinemas (Regulation) Rules, 1958.

Dated this the ..... day of ..... 20.....

Licensing Authority

FORM G

(*See* Rule 9)

APPLICATION FOR RENEWAL OF PERMISSION FOR CONSTRUCTION/ RECONSTRUCTION/PERMANENT/TEMPORARY CINEMA

To

The Municipal/Corporation Commissioner,

The Executive Officer ..... Panchayat.

Sir,

I hereby apply for the grant of renewal of permission for the construction/ reconstruction/of a permanent/temporary Cinema in my favour and give the details as follows:

Signature of the Applicant

1. Full name of the applicant :
2. Permanent address of the applicant :
3. Whether permanent or temporary theatre :
4. Details of the place where the cinema is, under construction/reconstruction :
   (i) Survey No. :
   (ii) Village :
   (iii) Taluk :
   (iv) District :
5. The reference No. and date and the name of the authority from whom the permission was originally obtained :
6. Whether the permission has been renewed earlier. If so give details of each renewal :
7. State the reasons for the non-completion of the work :
8. Whether fees as prescribed in Rule 19 has been paid and receipt attached. Give details of remittance :

Place: **Signature of the Applicant**

Date :

NOTIFICATIONS UNDER CINEMAS (REGULATION) ACT, 1958

Notification under Section 1 (3) about commencement of the Act

G.O. Ms. 1441 dated 29th November, 1958

(Published in Kerala Gazette dated 9th December, 1958, Part I, page 3605)

In exercise of the powers conferred by sub-section (3) of Section 1 of the Kerala Cinemas (Regulation) Act, 1958 (Act 32 of 1958), the Government of Kerala hereby appoint the 1st day of December, 1958 as the date on which the said Act shall come into force.

Notification under Section 4 appointing Tahsildars as Licensing Authorities in certain cases

G.O. Ms. 203/Home dated 14th February, 1959

(Published in the Kerala Gazette dated 14th February 1959 in Part I, page 433)

In exercise of the powers conferred by Section 4 of the Kerala Cinemas (Regulation) Act, 1958 the Government of Kerala hereby appoint the Tahsildhars within their respective jurisdiction to be the licensing authorities in respect of the areas other than those under the administration of local authorities.

Directions under Section 7 to Licensees

G.O. Ms. 534/Home dated 9th July, 1959

(Published in Kerala Gazette dated 21st July 1959, Part I, pages 1630/1631)

In exercise of the powers conferred by Section 7 of the Kerala Cinemas (Regulation) Act, 1958 (Act 32 of 1958) and in supersession of the condition of licence now in force in this behalf the Government of Kerala hereby issue to every licensee under the said Act in the State of Kerala the following directions which shall have effect from the first day of August, 1959.

1. The licensee shall so regulate the exhibition of cinematograph films that, at every performance open to the public, approved films are exhibited, the approved films to be exhibited in relation to other films at every such performance being in the same proportion as one is to five or the nearest lower or higher approximation thereto.

2. Only such films produced in India as are approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, to be scientific films, films intended for educational purposes, films relating with news and current events or documentary films shall be deemed to be approved films for the purposes of these directions.

*[Provided that such Indian News Reviews produced in India as are approved by the Central Government after considering the recommendations of the Chief Producer, Films Divisions, Bombay, to be films dealing with news and current events, shall also be deemed to be approved films for the purposes of these directions.]

3. Nothing contained in these directions shall be construed as requiring the licensee—

(a) to exhibit at any performance more than 20,000 feet of approved films of 35 mm. size or the corresponding footage of approved films of 16 mm. size, or

(b) to exhibit any approved films for more than two weeks continuously; or

(c) to re-exhibit any approved films which has been shown for two continuous weeks; or

(d) to exhibit approved films to the full extent indicated hereinbefore in the event of sufficient number of length of approved films not being available for the time being.

4. For the purpose of computing the corresponding footage of films of 18 mm. size in relation to films of 35 mm. size, 400 feet films of 16 mm. size shall be deemed to be equivalent to 1,000 feet of films of 35 mm. size.

**[5. The "approved" films shall be exhibited only after the time formally announced and published at the time for commencement of the main picture. Further the "approved" films shall be exhibited only after advertisement shots, if any, and just before the commencement of the main picture.]

Notification under Section 4 (ii), and Section 5 (7) (ii)

No. 27680/B4/62-2/Home dated 25th July, 1964

S.R.O. No. 239/64.— In exercise of the powers conferred by clause (ii) of Section 4 and clause (ii) of sub-section (7) of Section 5 of the Kerala Cinema (Regulation) Act, 1958 (Act 32 of 1958) the Government of Kerala hereby declare for purposes of the Act that in places which are neither under any Municipality nor under any Panchayat, the licensing authority shall be the Tahsildar of the Taluk in which the cinema is situated and appellate authority shall be the Revenue Divisional Officer of the Revenue Division concerned.

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* Added by SRO. 521/82 Published in Kerala Gazette No. 16 dated 20-4-1982.

** Inserted by SRO. 756/79 Published in Kerala Gazette No.28 dated 10-7-1979.

Notification under Section 5 (8) appointing District Collectors to be revisional authorities

(Published in Kerala Gazette No. 50 dated 12.12.1978)

S.R.O. 1158/78.— In exercise of the powers conferred by sub-section (8) of Section 5 of the Kerala Cinemas (Regulation) Act, 1958 (32 of 1958), the Government of Kerala hereby appoint the District Collectors to be revisional authorities under the said sub-section within their respective jurisdiction.

Notification under Section 5 (7) (ii) specifying RDOs. to be Appellate Authorities

(Published in Kerala Gazette No. 50 dated 12.12.1978)

S.R.O. No. 1157/78.— In exercise of the powers conferred by clause (ii) of sub-section (7) of Section 5 of the Kerala Cinemas (Regulation) Act, 1958 (32 of 1958) and in supersession of the notification II issued under G.O. Ms. No. 203/Home dated the 14th February, 1959 and also the notification issued under G.O. Ms. No. 148/75/Home dated the 8th December, 1975 and published as S.R.O. No. 1236/75 in Part I of the Kerala Gazette No. 51 dated the 20th December, 1975, the Government of Kerala hereby specify the Revenue Divisional Officers to be the Appellate Authorities under the said clause within their respective jurisdiction.

Notification under Rule 53 (1) extending the term of the Board of Examiners

Notification No. G.O. (Rt) No. 2169/76/Home dated 14th September, 1976

(Published in Kerala Gazette No. 39 dated 5.10.1976)

S.R.O. No. 976/76.— Under sub-rule (1) of Rule 53 of the Kerala Cinemas (Regulation) Rules, 1975, the Government of Kerala hereby extend the term of the Board of Examiners for the purpose of holding cinema operators' examination and issue of competency certificate thereof, constituted as per Notification S.R.O. No. 718/74 dated the 3rd September, 1974 and published in the Kerala Gazette No. 40 dated the 1st October, 1974 and extended as per S.R.O. No.1059/75 dated 31.10.1975 and published in the Kerala Gazette No. 44 dated 11th November, 1975 till 31.12.1977.

NOTIFICATION

G.O. (P) No. 101/88/Home Dated, Trivandrum, 18th August, 1988.

S.R.O. No. 1010/98.— In exercise of the powers conferred by Section 13 of the Kerala Cinemas (Regulation) Act, 1958 (32 of 1958) read with sub-rule (2) of Rule 1 of the Kerala Cinemas (Regulation) Rules 1988, issued under notification G.O. (P) No. 94/88/ Home dated the 9th August, 1998 and published as SRO. No. 986/88 in the Kerala Gazette, No. 708 dated the 10th August, 1988, the Government hereby appoint the 19th day of August, 1988 as the date on which the said Rules shall come into force.

THE KERALA CATTLE TRESPASS ACT, 1961

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*THE KERALA CATTLE TRESPASS ACT, 1961

ACT 26 of 1961 as amended by Acts 15 of 1962, 13 of 1968, 18 of 1975, 7 of 1980 and 16 of 2000)

An Act to consolidate and amend the law relating to trespass by cattle in the State of Kerala.

Preamble.— WHEREAS it is necessary to consolidate and amend the law relating to trespass by cattle on lands and causing damage to crops and other produce thereon, in the State of Kerala;

BE it enacted in the Twelfth year of the Republic of India as follows:–

CHAPTER I

1. Short title, extent and commencement.— (1) This Act may be called The Kerala Cattle Trespass Act, 1961.

(2) (a) It extends to the whole of the State of Kerala.

(b) The Government may, by notification in the Gazette, exclude any area from the operation of this Act from such date as may be specified therein.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.[1]

2. Definitions.— In this Act, unless the context otherwise requires—

(1) "cattle" means cows, oxen and bulls and includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, kids and vowels and such other kinds of animals as the Government may, by notification in the Gazette, specify;

[2][(2) x x x]

[3][(3) "local authority" means a Village Panchayat constituted under Section 4 of the Kerala Panchayat Raj Act, 1994, (13 of 1994) or a municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994).]

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* Published in Gazette Extraordinary No.89 dt. 15-7-1961.
1. Came into force on 1-11-1962. See Kerala Gazette of 9-10-1962.
2. Clause (2) of Section 2 omitted by Kerala Decentralisation of Powers Act, 2000(16 of 2000) Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.
3. Clause (3) of Section 2 Substituted by Ibid.

CHAPTER II

Pounds and Pound-keepers

[4][3. **Establishment of Pounds.**— (1) Pounds may be established at such places in each Village Panchayat or Municipality if the local authority so decides.

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

4. Control of pounds and rates of charge for feeding impounded cattle.— The pounds shall be under the control of the local authority and that authority shall fix, and may, from time to time, alter the rates of charge for feeding and watering impounded cattle.

5. Appointment of pound-keepers.— (1) Every pound shall be in the charge of a pound-keeper appointed by the local authority concerned.

(2) Every pound-keeper shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

(3) The pay and allowances, discipline and conduct and other conditions of service of a pound-keeper appointed by a local authority under sub-section (1) shall [5][be as prescribed],—

[6][(a) x x x x]

[6][(b) x x x x]

[6][(4) x x x x]

Duties of Pound-keepers

6. To keep registers and furnish returns.— Every pound-keeper shall keep such registers, and furnish such returns as the Government may, from time to time, direct.

7. To register seizures.— When cattle are brought to a pound, the pound-keeper shall enter in his register -

(a) the number and description of the cattle;
(b) the day and hour on and at which they were so brought;
(c) the name and residence of the seizer; and
(d) the name and the residence of the owner, if known.

The seizer shall affix his signature in the register. The pound-keeper shall give the seizer or his agent a copy of the entries aforesaid.

8. To take charge of and feed cattle.— The pound-keeper shall take charge of, feed and water the cattle, until they are disposed of as hereinafter directed.

CHAPTER III

Impounding Cattle

9. Cattle damaging land may be seized and police to aid such seizures.— (1) The cultivator or occupier of any land, or any person who has acquired a right for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce or any part thereof may seize, or cause to be seized, any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and send them or cause them to be sent within [7][twelve hours] to the pound established for the area in which the land is situate.

(2) All officers of Police shall, when required, aid in preventing–

(a) resistance to such seizures, and

(b) rescues from persons making such seizures.

---

4. Section 3 Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
5. Inserted by Ibid.
6. Clauses (a) & (b) of sub-section (3) and sub-section 4 omitted by Ibid.
7. Words "Twelve Hours" substituted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) Published in Kerala Gazette Extra No.869 dt. 12-5-2000.

10. Cattle damaging public roads, canals and embankments.— Persons in charge of public roads, pleasure grounds, plantations wherein common grazing grounds are available, canals, drainage works, tanks, embankments, and the like and officers of Police, officers employed by local authorities within their respective jurisdictions [8][xxx] may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainage works, tanks, embankments and the like or the sides or slopes of such roads, canals, drainage works, tanks or embankments or found straying thereon, and shall send them or cause them to be sent within twenty-four hours, to the nearest pound.

11. Fines for cattle impounded.— (1) For every head of cattle impounded as aforesaid the pound-keeper shall levy a fine in accordance with the scale for the time being prescribed by the [9][local authority] in this behalf by notification in the Gazette. [10][Different scales may be prescribed for different local areas or for different localities within the local area and for different kinds of cattle].

(2) Notwithstanding anything contained in sub-section (1), when it appears to the [11][local authority] that in any local area cattle are habitually allowed to trespass on land and damage crops or other produce thereon, he may, by notification in the Gazette, direct that for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, such amount of fine as may be specified by him in the said notification, not exceeding double the fine prescribed under sub-section (1), shall be levied.

(3) All fines levied [12][under this section, or Section 11A] shall be credited to the fund of the local authority [13][xxx].

(4) A list of the fines and of the rates of charge for feeding and watering cattle shall be exhibited in a conspicuous place on, or near to every pound.

[12][**11A. Special Provisions for cattle straying in aerodromes.**— Notwithstanding anything contained in sub-section (1) of Section 11 when it appears to the [11][local authority] that in any aerodrome cattle are habitually allowed to trespass and cause nuisance in such aerodrome he may, by notification in the Gazette, direct that for every head of cattle of any kind specified therein which may be seized within such aerodrome and impounded as aforesaid, such amount of fine as may be specified by [11][it] in the said notification, not exceeding four times the fine prescribed under sub-section (1) of Section 11, shall be levied.

Explanation:— For the purposes of this section, "aerodrome" shall have the same meaning assigned to it under the Aircraft Act, 1934 (Central Act 22 of 1934)].

CHAPTER IV

Delivery or Sale of Cattle

12. Procedure when owner claims the cattle and pays fines and charges.— (a) If the owner of the impounded cattle or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

(b) The owner or his agent, on taking back the cattle shall sign a receipt for them in the register kept by the pound-keeper.

13. Procedure if cattle be not claimed within a week.— (1) If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the local authority concerned [14][xxx].

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8. Words "and such other officers as the Director may empower in this behalf" omitted by Ibid.
9. Words "local authority" Substituted for "Director" by Ibid.
10. Subsdtuted by Act 18 of 1975.
11. Inserted by Kerala Decentralisation of Powers Act, (Act 16 of 2000), published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
12. Inserted by Act 18 of 1975.
13. Omitted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
14. Omitted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(2) The local authority [14][xxx] shall thereupon affix in a conspicuous part of its or his office a notice stating -

(a) the number and description of the cattle,
(b) the place where they were seized,
(c) the place where they are impounded,

and shall cause proclamation of the same to be made [14][xxx] in the village and in the market place nearest to the place of seizure.

(3) If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the local authority [14][xxx] at such place and time and subject to such conditions as the [15][local authority] by general or special order, from time to time, directs:

[16][xxxx]

14. Delivery to owner disputing legality of seizure but making deposit.— If the owner or his agent appears and refuses to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under Section 19, then, upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

15. Procedure when owner refuses or omits to pay the fines and expenses.— (1) If the owner or his agent appears and refuses or omits to pay or in the case mentioned in Section 14 to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by the local authority [17][xxx] at such place and time, and subject to such conditions as are referred to in Section 13.

(2) The fines leviable and expenses of feeding and watering together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

(3) The remaining cattle, and the balance of the proceeds of sale, if any, shall be delivered to the owner or his agent, together with an account showing-

(a) the number of cattle seized,
(b) the time during which they have been impounded,
(c) the amount of fines and charges incurred,
(d) the number of cattle sold,
(e) the proceeds of sale, and
(f) the manner in which those proceeds have been disposed of.

(4) The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the proceeds of sale, if any, paid to him according to such account.

(5) If the owner or his agent refuses to receive the remaining cattle and the surplus proceeds of sale delivered to him the cattle and the proceeds of sale shall be deemed to be unclaimed and disposed of according to the provisions of this Act.

16. Disposal of fines, expenses and surplus proceeds of sale.— (1) The officer by whom the sale was made shall send to the local authority the fines so deducted.

(2) The charges for feeding and watering deducted under Section 15 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under Section 12.

(3) The surplus unclaimed proceeds of the sale of cattle shall be sent to the local authority, who shall hold them in deposit, and if no claim thereto be preferred within three months and established, shall dispose of them as hereinafter provided.

17. Application of fines and unclaimed proceeds of sale.— (1) All sums received on

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15. Substituted by Ibid.
16. Proviso omitted by Ibid.

account of fines and the unclaimed proceeds of the sale of cattle shall be credited to the fund of the local authority [17][xxx].

(2) The salaries allowed to pound-keepers and the expenses incurred for the construction and maintenance of pounds or for any other purpose connected with the carrying out of the provisions of this Act shall be paid by the local authority.

18. Officers and Pound-keepers not to purchase cattle at sales under this Act.— (1) No Police Officer, or other officer or pound-keeper appointed under the provisions herein contained and no member of the local authority under whose control the pound is, shall directly, or indirectly, purchase any cattle at a sale under this Act.

(2) No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the provisions of this Chapter, unless such release or delivery is ordered by [17][xxx] the local authority [17][xxx].

CHAPTER V

Complaints of Illegal Seizure and Detention

19. Power to make complaints.— Any person whose cattle have been seized under this Act, or having been so seized, having been detained in contravention of this Act, may, at any time within ten days from the date of seizure, make a complaint to [18][the local authority].

20. Procedure on complaints.— (1) The complaint shall be made by the complainant in person or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by [18][Secretary of the local authority].

(2) If [18][Secretary of the local authority] on examining the complainant or his agent, sees reason to believe the complaint to be well-founded, he shall summon the person complained against and make an enquiry into the case.

21. Compensation for illegal seizure or detention and release of cattle.— (1) If the seizure or detention be adjudged illegal [18][Secretary of the local authority] shall award to the complainant for the loss caused by the seizure or detention, reasonable compensation not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle.

(2) If the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

22. Recovery of compensation.— The compensation, fines and expenses mentioned in Section 21 may be recovered [18][as if it were arrears of public revenue due on land].

CHAPTER VI

Penalties

23. Penalty for forcibly opposing the seizure of cattle or rescuing the same.— Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

24. Penalty for damage caused to land or crops or public roads by cattle.— Any owner, or keeper, or attendant of cattle, who causes or suffers cattle to stray about without a

17. Omitted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
18. Substituted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

keeper or who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land or any public road, by allowing such cattle to trespass thereon, shall, on conviction before a Magistrate, be liable to a fine not less than twenty-five rupees, but not exceeding two hundred and fifty rupees or to imprisonment for a term not exceeding three months, or to both.

25. Recovery of penalty for mischief committed by causing cattle to trespass.— Any fine imposed under Section 24 or for the offence of mischief by causing cattle to trespass on any land may be recovered by sale or all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

26. Powers of Police to investigate offences under Section 24.— Notwithstanding the provisions contained in the Code of Criminal Procedure, 1898, any Police Officer may investigate without the order of a Magistrate into an offence under Section 24 as if it were a cognizable case, but he shall not arrest without warrant from a Magistrate any person accused of an offence under Section 24.

27. Penalty on pound-keeper failing to perform duties.— Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of Section 18, or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees. Such fines may be recovered by deductions from the pound-keepers' salary.

28. Application of fines recovered under Sections 24, 25 and 27.— All fines recovered under Sections 24, 25 and 27 may be appropriated, in whole or in part, as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

CHAPTER VII

Suits for Compensation

29. Saving of right to sue for compensation.— Nothing herein contained shall be deemed to prohibit any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent civil court.

30. Set-off.— Any compensation paid under this Act, by order of a convicting Magistrate, to a person whose crops or other produce of land have been damaged by trespass by cattle, shall be set-off and deducted from any sum due to that person as compensation in any civil suit referred to in Section 29.

CHAPTER VIII

Miscellaneous

[19][**31.** xxxx]

32. Power to make rules.— (1) The Government may make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid before the Legislative Assembly for a period of not less than fourteen days as soon as possible after they are made and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

33. Repeal and savings.— The Travancore-Cochin Cattle Trespass Act, 1125 (Act XII of 1125) and the Cattle Trespass Act, 1871 (Central Act 1 of 1871) in its application to the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956, are hereby repealed; but notwithstanding such repeal all pounds established under the aforesaid Acts shall be deemed to be pounds established under this Act.

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19. Section 31 omitted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), Published in Kerala Gazette Extra No.869 dt. 12-5-2000.

*THE KERALA CATTLE TRESPASS RULES, 1962

S.R.O. No. 297/62.- In exercise of the powers conferred by sub-section (1) of Section 32 of the Kerala Cattle Trespass Act, 1961 (Act of 1961), the Government of Kerala hereby make the following rules:—

RULES

1. Short title and commencement.— (1) These Rules may be called the Kerala Cattle Trespass Rules, 1962.

(2) They shall come into force with effect from 1-11-1962.

2. Definition.— In these rules unless there is anything repugnant in the subject or context—

(a) "Act" means the Kerala Cattle Trespass Act, 1961 (Act 26 of 1961).

(b) "Executive Authority" means in the case of a Municipality or Corporation, the Commissioner, in the case of a Township, the Executive Officer of the Township, and in the case of a Panchayat, the Executive Authority as defined in the Kerala Panchayats Act, 1960 (Act 32 of 1960).

(c) "Local area" means the area within the jurisdiction of a local authority.

3. (a) A local authority may resolve to establish sufficient number of pounds within its area and recommend to the Director, convenient places where pounds can be established for the purposes of the Act within its local area.

(b) The Director may in establishing pounds and determining the area by which each pound is to be used under Section 3 of the Act within a local area give preference to places recommended for the purpose by a local authority.

4. A pound shall have a minimum ground space of 2 cents and shall be fenced properly so as to avoid escape of the cattle impounded.

5. (a) There shall be a roofed shed inside the pound to accommodate at least ten numbers of different types of cattle at a time.

(b) The floor of the shed shall be so constructed as to drain away all kinds of liquid matter that fall on it.

(c) The pound-keeper shall keep the floor of the shed always clean.

6. The cattle shall be tied in the shed in such manner as to avoid tussle among themselves.

7. The pound-keeper shall be on duty at the pound between the hours fixed by the Local Authority concerned.

8. (a) The working hours of the pound shall be notified in the Notice Board in front of the pound.

(b) Cattle shall be impounded or discharged from the pound during the working hours.

9. The pound-keeper shall maintain a register of cattle impounded in Form No. I appended to these rules.

10. The pound-keeper shall also maintain a cash book showing the daily money transactions in Form No. II appended to these rules.

11. The pound-keeper shall give a true copy of the entry made in respect of every animal in

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* Published in Kerala Gazette No. 40 dt. 9-10-1962 as G.O. (Ms.) 760/62/DD, dt. 6-10-1962.

the register of cattle impounded to the person who entrusted the cattle to the pound-keeper for being impounded. The copy of extract shall be duly attested by the pound-keeper.

12. The pound-keeper shall give receipt in Form No.III for all the amounts received by him by way of fines and maintenance charges of cattle.

13. The pound-keeper shall remit daily receipts from the pound to the funds of the Local Authority in accordance with the directions issued by the Executive Authority from time to time.

14. The pound-keeper shall not receive from any person any amount other than the fines and charges for feeding and watering cattle at the rates prescribed and notified in this behalf.

15. The pound-keeper shall submit to the Executive Authority at the close of every day a statement in Form No. IV furnishing the details regarding the number and nature of cattle impounded, fines and charges collected for feeding and watering cattle, expenditure incurred for the maintenance of cattle and the amount required for the next day for maintaining the cattle in the pound.

16. The maintenance charges of the cattle in the pound and the salary of the pound-keeper shall be met from the funds of the local authority.

17. (a) The Executive Authority shall entrust to the pound-keeper the amount required for a day for the maintenance of the cattle in the pound after getting necessary acknowledgment for the amount from the pound-keeper.

(b) The acknowledgment shall be cancelled or returned to the pound-keeper after ensuring that the amount paid to the pound-keeper has been properly utilised.

18. The Executive Authority shall inspect the pounds in the local area as often as possible, check the accounts, and verify the number of cattle in the pound with the number shown in the register and accounts maintained for the purpose.

19. The Executive Authority may give directions to the pound-keeper regarding the mode of purchase of food materials, etc., for feeding and watering the cattle in the pound and the pound-keeper shall abide by such directions.

20. (1) The President of a Panchayat, the Chairman of a Municipality or the Mayor of a Corporation may inspect the pounds within his jurisdiction and issue directions to the Executive Authority to take appropriate steps to set right the irregularities or rectify the defects if any found during such inspection.

(2) The Members of Panchayats, or Councillors of Municipalities or Corporations may, if so required by the President, Chairman or Mayor inspect the pound or pounds in their respective Wards and furnish reports to the President, Chairman or Mayor concerned.

21. The Director or any other Officer authorised by him in this behalf may inspect any pound established under the Act and whenever it is deemed necessary check and verify the registers, accounts, etc. kept by the pound-keeper.

22. Save as otherwise expressly provided in these rules, the pound-keeper shall be governed by the rules relating to the employees of the local authority concerned in respect of conditions of service and disciplinary control.

23. The pound-keeper shall be liable for any loss caused to the local authority concerned by his negligence or any of his actions and the local authority may recover from the pound-keeper such amount of loss in the manner prescribed for the recover of other dues to the local authority.

APPENDIX

FORM No. I

(Rule 9)

Sl. No	Description of cattle	Date and hour of impounding	Name and residential address of the seizer	The Name and residential address of the owner if known	Signature of the seizer	If returned the date and hour at which the cattle is returned	The name and address of the owner or his agent to whom the cattle is returned	Signature of the owner or his agent who takes charge of the cattle	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM No. II

[*See* Rule 10]

Date	Receipt No.	Voucher No.	Particulars of receipts or payments	Receipts	Payments	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Rs. np.	Rs. np.	

FORM No. III

[*See* Rule 12]

Cattle Pound

COUNTER FOIL

Receipt for Fines and Feeding Charges paid.

Receipt No. ..... Dated ..... 20...

Received Rs. ..... Ps ..... only as specified below.

Description of Animals	Number	Amount collected		Name and residence of releaser	Reference to number in Form No. 1
		Fines	Feeding Charges		
		Rs. Ps.	Rs. Ps.		
TOTAL					

Date and hour of impounding .....

Hour of release .....

Name of Pound .....

Rate of Fine, ordinary or enhanced.

Pound-keeper

FORM No. III

[*See* Rule 12]

Cattle Pound

DUPLICATE

Receipt for Fines and Feeding Charges paid.

Receipt No. ..... Dated ..... 20...

Received Rs. ..... Ps ..... only as specified below.

Description of Animals	Number	Amount collected		Name and residence of releaser	Reference to number in Form No. 1
		Fines	Feeding Charges		
		Rs. Ps.	Rs. Ps.		
TOTAL					

Date and hour of impounding .....

Hour of release .....

Name of Pound .....

Rate of Fine, ordinary or enhanced.

Pound-keeper

FORM NO. IV

[*See* Rule 15]

Date	No. of cattle in the pound	Nature & Particulars of the cattle in the pound	Amount received from Executive Authority *for the day's expenses	Amount of maintenance charges collected	Amount of fine collected	Total of col. 4 to 6	Expenditure for *the day	Balance to be remitted to Panchayat Fund	Remarks
			Rs. Ps	Rs. Ps	Rs. Ps	Rs. Ps	Rs. Ps		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*Note:- The details of expenditure to be furnished in a separate sheet along with this statement.

THE KERALA LIVE-STOCK IMPROVEMENT ACT, 1961

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*THE KERALA LIVE-STOCK IMPROVEMENT ACT, 1961

(ACT 17 of 1961, as amended by Act 28 of 1968)

An Act to provide for the improvement of live-stock in the State of Kerala

Preamble:— Whereas it is expedient to provide for the improvement of live-stock in the State of Kerala.

Be it enacted in the Twelfth year of the Republic of India as follows:–

1. Short title, extent and Commencement.— (1) This Act may be the Kerala Live-Stock Improvement Act, 1961.

(2) It extends to the whole of the State of Kerala.

(3) This section shall come into force at once, and the Government may, from time to time by notification in the Gazette, apply all or any of the remaining provisions of this Act to the whole or any portion of the State of Kerala from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.[1]

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "bull" includes a buffalo-bull;

(b) "cow" includes a buffalo-cow and heifer;

(c) "Director" means the officer appointed by the Government as the Director of Animal Husbandry for the State of Kerala and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under Section 3;

(d) "License" means a license granted under section 4;

(e) "Licensing Officer" means the Director or any other officer or person authorised to grant licensees under Section 4;

(f) "prescribed" means prescribed by rules made under this act;

(g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Appointment of Director.— The Government may by general or special order confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.— (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a license granted under this section, unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director.

Explanation:— Where a person keeps more than one bull, he shall, obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

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* Published in Kerala Gazette Extraordinary No. 74 dt. 28-6-1961.

1. Date of Commencement w.e.f. 1-4-1961.

No fee shall be charged for the grant of the license.

5. Refusal and revocation of licenses.— (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(a) of defective or inferior conformation and consequently likely to be get defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(c) of a breed which it is undesirable to propagate in the State of Kerala.

(2) The licensing officer may also after giving a reasonable opportunity to the licensee to be heard revoke a license granted in respect of and bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion,–

(a) the license was granted, under circumstances of which the licensing officer was not aware at the time of granting the license and such license would not have been granted if he had been aware of such circumstances, or

(b) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

6. Surrender of license.— A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if—

(a) the period specified in the license expires, or

(b) the license is revoked under this Act, or

(c) the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Inspection of bulls.— The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order not being further than [2][three kilometres] from the place where the bull is ordinarily kept, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

8. Power to order castration of bulls.— (1) The licensing officer may by order require any person keeping a bull which in his opinion has attained the prescribed age, and in respect of which no license is for the time being in force under this Act, to have it castrated, within one month from the date of the service the order, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

[3][(3) A person keeping a bull, who has been required by an order under sub-section (1) to have it castrated, and the owner of the bull where such person is not the owner thereof, shall not part with the possession or custody, or transfer the ownership, of the bull until it is castrated:

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2. Substituted by Act 28 of 1968.
3. Inserted by ibid.

Provided that the provisions of this sub-section shall not apply in the case of an owner who is not the person keeping the bull, if notice of the said order had not been given to him.]

9. Duty to inform owner of contents of notice, or order of castration.— If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

10. Production of license.— It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license—

(a) Within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Animal Husbandry Department not below the rank of Veterinary Surgeon, or an officer of the Revenue Department not below the rank of Deputy Tahsildar or such other officer as may be authorised in this behalf by the Government by general or special order; or

(b) Before a cow is served by the bull, on demand made by the person in charge of the cow.

11. Penalties.— (1) Whoever—

(a) Keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a license, or

(b) Neglects or fails to submit a bull for inspection when required to do so under section 7, or

(c) neglects or fails to comply with an order served under section 8, or

(d) Neglects or fails to produce a license when required to do so under section 10,

Shall be punishable with fine which may extend to twenty-five rupees and in the case of a second or any subsequent offence with fine which may extend to fifty rupees.

[4][(2) whoever contravenes the provisions of sub-section (3) of section 8 shall be punishable with fine which may extend to one hundred rupees and, in the case of a second or subsequent offence, with imprisonment for a term which may extend to one month, or with the fine which may extend to five hundred rupees, or with both.]

12. Power of licensing officer to castrate bulls.— (1) If a person who keeps a bull neglects or fails to submit it for inspection or to have it castrated when required to do so under section 7, or section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a *Pinjrapole* or infirmary recognised by the Government in this behalf.

(c) in case the owner of any bull seized under clause (a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him—

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4. Renumbered and inserted by Act 28 of 1968.

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and

(ii) In any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. Power of licensing officer etc., to inspect or mark bulls and enter premises.— For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times-

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. Duty of Officers to report offences, etc.— It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments and officers and servants of panchayats and Municipalities and other officers notified by the Government in this behalf—

(a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;

(b) To take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed; and

(c) To assist any licensing officer in carrying out the provisions of this Act.

15. Cognizance of offences.— No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.— All officers and servants specified in, or notified under section 14 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

17. Bar of certain proceedings.— (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.— No suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. Revision.— The Government may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit. Nothing contained in this section shall apply to the orders or proceedings of any court or Magistrate.

20. Power to make rules.— (1) The Government may after previous publication by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates and the conditions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers; and

(d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a period of not less than fourteen days and shall be subject to such modifications, by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

[5][**21. Saving.**— Nothing contained in this Act shall apply to a bull dedicated to a religious institution in accordance with any religious usage or custom and directly maintained by that institution.

Explanation:— For the purposes of this section, 'religious institution' means a math or temple.]

22. Repeal.— The Madras Live-Stock Improvement Act, 1040 (Act XV of 1940), as in force in the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956, and the Travancore-Cochin Live-Stock Improvement Act, 1954 (Act XII of 1954), are hereby repealed.

Notification

In exercise of the powers conferred by sub-section (3) of section 1 of the Kerala Live Stock Improvement Act, 1961 (Act 17 of 1961) the Government hereby apply all the provisions of the said Act other than section 1 (which has already come into force) to whose State of Kerala with effect from 1-4-1961.

(Notification No. 39258/AH2/61-2/AD. dt. 29-2-1964 published in Kerala Gazette No. 11 dt. 17-3-1964.)

5. Substituted by Act 28 of 1968

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*THE KERALA LOCAL AUTHORITIES ENTERTAINMENTS TAX ACT, 1961

Act 20 of 1961

(Amended by Acts 15 of 1962, 33 of 1969,19 of 1975, 7 of 1980, 14 of 1987, 16 of 2000 & 26 of 2005)

An Act to unify and amend the law relating to the imposition and collection of taxes on amusements and other entertainments in the State of Kerala.

Preamble.— Whereas it is expedient to unify and amend the law relating to the imposition and collection of taxes on amusements and other entertainments in the State of Kerala.

Be it enacted in the Twelfth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called The Kerala Local Authorities Entertainments Tax Act, 1961.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.[1]

2. Definitions.— In this Act, unless the context otherwise requires—

(1) 'admission' includes admission as a spectator or as one of an audience and admission for the purpose of amusement by taking part in an entertainment;

(2) 'admission to an entertainment' includes admission to any place in which the entertainment is held;

(3) agriculture includes horticulture and breeding of animals of every description;

(4) 'entertainment' includes any exhibition, performance, amusement, game, sport or race to which persons are admitted for payment [2][but does not include any magic performance];

(5) 'institution' includes a company, society, club or other association of persons by whatever name called;

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

[4][(7) 'payment for admission' means–

(a) the price for admission, and

(b) any payment for any purpose whatsoever connected with an entertainment (including any tax) which a person is required to make as a condition for attending or continuing to attend the entertainment in addition to the price for admission;

(7A) 'price for admission' means the cost of a ticket (excluding any tax) for a seat or other

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* Published in Kerala Gazette Extra-ordinary No. 81 dt. 3-7-1961.

1. Came into force on 1st April, 1962. See S.R.O.No.90/62 in Gazette of 23-3-1962.
2. inserted by Act 33 of 1969 w.e.f. 1-11-1969.
3. Clause (6) Substituted by Kerala Decentralisation of Powers Act, 2000. (Act 16 of 2000), Published in Kerala Gazette Extraordinary No.869 dt. 12-5-2000.
4. Substituted by Act 19 of 1975, Published in Kerala Gazette Extraordinary No. 279 dt. 3-6-1975 w.e.f. 1-8-1975.

accommodation in a place of entertainment and includes in respect of any person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a higher payment is required;]

(8) 'proprietor' in relation to any entertainment includes any person responsible for the management thereof.

[4][**3. General provision regarding the levy of tax and the rate of tax.**— Any local authority may levy a tax (hereinafter referred to as the entertainments tax) at a rate [5][not less than twenty four per cent and not more than forty eight per cent] on each price for admission to any entertainment:]

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

[7][**3A. Entertainment tax on seating capacity.**— Notwithstanding anything contained in Sections 3 and 4, a local authority may levy entertainment tax based on seating capacity in the manner prescribed.]

[7A][**3B. Entertainment tax for amusement parks.**— (1) Notwithstanding anything contained in sections 3, 3A and 4 and subject to such rules as may be made by Government in this behalf, a proprietor of an amusement park shall pay an annual entertainment tax fixed by the local authority within the range of rates specified against each category, namely:—

Category	Range of rates of entertainment tax to be fixed by the local authority
(1)	(2)
CATEGORY A	
Amusement park having an investment up to Rupees 3 crores and having area to an extent of 2 hectares and below (excluding the area provided for parking vehicles and other unutilized/vacant area).	Rs. 3 to 6 lakhs
CATEGORY B	
Amusement park having an investment of above Rupees 3 crores but below Rupees 10 crores and having area to an extent of above 2 hectares but below 4 hectares (excluding the area provided for parking vehicles and other unutilized/vacant area).	Rs. 10 to 15 lakhs
CATEGORY C	
Amusement park having an investment of Rupees 10 crores and above but below Rupees 20 crores and having area to an extent of 4 hectares and above but below 6 hectares (excluding the area provided for parking vehicles and other unutilized/vacant area).	Rs. 25 to 30 lakhs

5. Substituted by Kerala Decentralisation of Powers Act, 2000 (Act 16 of 2000), Published in Kerala Gazette Extra No. 869 dt. 12-05-2000.
6. Proviso inserted by Ibid.
7. Section 3A Inserted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

7A. Inserted by Act 26 of 2005

CATEGORY D	
Amusement park having an investment of Rupees 20 crores and above but below Rupees 50 crores and having area to an extent of 6 hectares and above but below 10 hectares (excluding the area provided for parking vehicles and other unutilized/vacant area)	Rs. 50 to 60 lakhs
CATEGORY E	
Amusement park having an investment of Rupees 50 crores and above and having area to an extent of 10 hectares and above (excluding the area provided for parking vehicles and other unutilized/vacant area)	Rs. 80 to 100 lakhs

Provided that during the first four-year period of operation of an amusement park, the annual entertainment tax leviable shall be relaxed at the following rates, namely:-

Period	*Relaxation of rate of entertainments tax*
(a) First year	Sixty per cent
(b) Second year	Forty per cent
(c) Third year	Twenty per cent
(d) Fourth year	Ten per cent

Provided further that the local authority may permit the proprietor of an amusement park to pay the entertainment tax in equated monthly instalments.

Explanation 1.— Amusement park means a permanent out door facility set up for entertainment which may include structures and buildings where admission is based on payment.

Explanation 2.— For the purpose of this section, in categorizing the amusement park, if both the investment and area of land do not come under any of the above categories, but either the investment or the area comes under any one of the categories, the amusement park shall be assessed in the category to which the higher rate of tax is applicable.

(2) (a) The Government may by notification in the Gazette constitute a committee for the purpose of categorization of the amusement parks, ensuring the safety of parks and to advise the Government for review of the tax structure every three years.

(b) The Committee shall consist of—

(i) The Secretary to Government, Local Self Government Department (Urban) —*ex-officio;*
(ii) The Secretary to Government, Local Self Government Department (Rural) —*ex-officio;*
(iii) The Secretary to Government, Finance (Expenditure)— *ex-officio*;
(iv) The Secretary to Government, Tourism —*ex-officio*;
(v) Chair Person, Mayors' Chamber;
(vi) Chair Person, Municipal Chairpersons' Chamber;
(vii) President, Kerala Grama Panchayat Association
(viii) Chief Town Planner

(c) The Committee shall exercise such other functions as may be specifically authorised in this behalf.]

4. Composition and consolidated payment of tax.— On the application of the proprietor of any entertainment in respect of which the entertainments tax is payable under Section 3, the local authority may, subject to such rules as may be made by the Government in this behalf, compound the tax payable in respect of such entertainment for a consolidated payment.

5. Admission of persons to entertainments subject to tax.— (1) Save in the cases referred to in Section 4 [8][and Section 6A], no person shall be admitted for payment to any entertainment [9][where the price for admission is subject to entertainments tax] except-

8. Inserted by Act 33 of 1969 w.e.f. 1-11-1969.
9. Substituted by Act 19 of 1975 published in Kerala Gazette Extraordinary No.279 dt. 3-6-1975, w.e.f. 1-8-1975.

(a) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp issued by the local authority indicating the proper tax for such ticket; or

(b) in special cases, with approval of the local authority, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted.

Unless the proprietor of the entertainment has made arrangements approved by the local authority for furnishing returns of the payments for admission to the entertainment and has given security approved by the local authority for the payment of the entertainment tax.

(2) Nothing contained in sub-section (1) shall be deemed to preclude the local authority from requiring security from the proprietor of an entertainment for the payment of the entertainments tax in any other case.

6. Manner of payment of tax.— (1) The entertainments tax shall be levied in respect of each person admitted for payment and in the case of admission by ticket, shall be paid by means of a ticket referred to in clause (a) of sub-section (1) of Section 5, and in the case of admission otherwise than by ticket, shall be calculated and paid on the number of admissions.

(2) The entertainments tax in the case of admission otherwise than by ticket shall be recoverable from the proprietor.

(3) Where the [10][payment of the price for admission] to an entertainment is made wholly or partly by means of a lump sum paid as a subscription or contribution to any institution, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, the entertainments tax shall be paid on the amount of the lump sum, but where the local authority is of the opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment or covers admission to an entertainment during any period during which the tax has not been in operation, the tax shall be levied on such amount as appears to the local authority to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

[11][**6A. Entertainments tax on dramatic and circus performances.**— (1) Notwithstanding anything contained in Sections 3 and 6, the entertainments tax leviable by a local authority—

(a) on dramatic performances to which persons are admitted for payment shall be [12][hundred rupees] on each performance; and

(b) on circus performances to which persons are admitted for payment shall be [12][sixty rupees] on each performance.

(2) The tax referred to in sub-section (1) shall be recoverable from the proprietor of the dramatic performance or circus performance, as the case may be.

Explanation.— For the purpose of this section, the expression, 'dramatic performances' means any play, pantomime or other drama.]

7. Entertainment exempted from payment of tax.— (1) The entertainments tax shall not be levied [13][on the price for admission] to any entertainment where the local authority is satisfied—

(a) that the entertainment is of a wholly educational character; or

(b) that the entertainment is provided for purposes which are wholly or partly educational, cultural or scientific by an institution not conducted or established for profit; or

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10. Substituted by Act 19 of 1975 for the words "on payment for admission." Published in Kerala Gazette Extraordinary No. 279 dt. 3-6-1975 w.e.f. 1-8-1975.
11. Section 6A inserted by Act 33 of 1969 (Gazette of 25-9-1969) w.e.f. 1-11-1969 (Gazette of 8-10-1969).
12. Substituted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.
13. Substituted by Act, 19 of 1975 for the words "on payment for admission" Published in Kerala Gazette Extra No. 279 dt. 3-6-1975 w.e.f. 1-8-1975.

(c) that the entertainment is provided by an institution not conducted for profit and established solely for the purposes of promoting public health or the interest of agriculture or a manufacturing industry, and which consists solely of an exhibition of articles which are of material interest in connection with questions relating to public health or agriculture, or of the products of the industry for promoting the interests of which the institution exists or of the materials, machinery, appliances or foodstuffs used in the production of those products; or

(d) that the whole or the net proceeds of the entertainment is devoted to philanthropic, religious or charitable purposes.

[14][(2) xxxx]

[15][(3) xxxx]

[16]**[7A. Power to exempt.**— (1) Notwithstanding anything contained in the Act, the Government may, by general or special order and for reasons to be specified in such order, exempt from liability to tax,—

(a) any entertainment or class of entertainments; or

(b) any or all of the entertainments provided in a place owned by the Government or a Corporation owned or controlled by the Government.

(2) Any local authority concerned shall be bound to comply with any order made by the Government under sub-section (1).

(3) A local authority may with the previous sanction of the Government exempt any entertainment or class of entertainments not exempted under sub-section (1) from liability to the tax.]

8. Manner of recovery of tax and fines under the Act.— (1) Any amount due on account of the entertainments tax may be recovered by the local authority in the same manner as any tax payable to the local authority.

(2) Any fine imposed under this Act or rules or bye-laws made hereunder shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines and shall on recovery be paid to the local authority concerned to be applied for the general purposes of such authority.

9. Inspection by local authority.— (1) [16A][The Director of Municipal Administration or the Director of Panchayats or the Mayor of a Corporation or the [17][Chairperson of the municipality or President of the Village Panchayat] or any officer authorised by the [17][Government] or the local authority concerned or any police officer authorised by the Government in this behalf] may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, with a view of seeing whether the provisions of this Act or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of [16A][any officer authorised by or under sub-section (1)], he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding [17][two thousand rupees].

(3) [16A][Every officer authorised by or under sub-section (1)] shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

10. Penalty for non-payment of tax.— (1) If any person is admitted for payment to any place of entertainment and the provisions of Section 5 are not complied with, the proprietor of the

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14. Sub-section (2) of Section 7 omitted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.
15. Sub-section (3) omitted by Local Authorities (Amendment) Act, 1989, (4 of 1989), Published in Kerala Gazette Extra No. 103 dt. 31-1-1989.
16. Section 7A inserted by Ibid.

16A. Substituted by Act 14 of 1987

entertainment to which such person is admitted shall, on conviction by a Magistrate, be liable in respect of each such offence to a fine not [17][two thousand rupees] and shall in addition be liable to pay any tax [18][including escaped tax] which should have been paid.

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

(2) Without prejudice to the provisions of sub-section (1) any officer authorised by the local authority in this behalf may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, and if satisfied that the provisions of Section 5 are not complied with, by order in writing prevent the further use of such place for the purposes of any entertainment:

Provided that before preventing the further use of the place for the purposes of the entertainment the proprietor of the entertainment shall be given a reasonable opportunity to show cause against the proposed action.

(3) If the order under sub-section (2) is not complied with, the officer may request the officer in charge of the police station having jurisdiction over the place to prevent the further use of such place for the purpose of any entertainment and the officer in charge of the police station shall be bound to comply with the request.

11. Power of the Government to make rules.— (1) The Government may make rules to carry out all or any of the purposes of this Act, not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power they may make rules -

(a) for the composition and consolidated payment of tax under Section 4; and

(b) for the presentation and disposal of applications for exemption from payment of the entertainments tax.

(3) In making any rules the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(4) All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly, as soon as possible after they are made and shall be subject to such modification whether by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

12. Power of Local Authority to make bye-laws.— (1) Any local authority may make bye-laws not inconsistent with this Act or any rules made thereunder—

(a) for the supply and use of labels or stamped or embossed tickets or for the stamping or embossing of tickets sent to be stamped or embossed and for securing the defacement of labels when used;

(b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payment for seats or other accommodation;

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances;

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17. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) Published in Kerala Gazette Extra No.869 dt. 12-5-2000.
18. Inserted by Ibid.
19. Explanation added by Ibid.

(d) for the checking of admissions, the keeping of accounts and furnishing of returns by the proprietors of entertainments to which the provisions of Section 4 are applied or in respect of which the arrangements approved by the local authority for furnishing returns are made under Section 5;

(e) for the renewal of damaged or spoiled labels;

(f) for the keeping of accounts of all labels used under this Act;

(g) for the regulation of the time and place of holding an entertainment and supervision thereof;

(h) for the regulation of the time and mode of collecting the tax under this Act; and

(i) in general, for carrying out the purposes of this Act.

(2) In making a bye-law, the local authority may provide, that a breach thereof shall be punishable with fine which may extend to fifty rupees and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach.

(3) All such bye-laws shall have effect when they have been approved by the [20][the Government or any officer authorised by the Government] in that behalf and published in the Gazette. [21][xxxx]

[22][**Explanation.**— xxxx]

13. Repeal and savings.— The Travancore-Cochin Local Authorities Entertainments Tax Act, 1951 (Act VI of 1951) and the Madras Entertainments Tax Act, 1939 (Act X of 1939) as in force in the Malabar district referred to in Sub-section (2) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) are hereby repealed:

Provided that any notification, order, rule or bye-law issued or made under the repealed Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any notification, order, rule or bye-law made or issued under this Act.

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20. Substituted by Kerala Decentralisation of Powers Act, 2000,16 of 2000 Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.
21. Words "provided that in the case of the byelaws made by a Municipal Corporation, the approval shall be that of the Government" omitted by Ibid.
22. Explanation omitted by Ibid.

*THE KERALA LOCAL AUTHORITIES ENTERTAINMENTS TAX RULES, 1962

S.R.O. No. 281/62.— In exercise of the powers conferred by Section 11 of the Kerala Local Authorities Entertainments Tax Act, 1961 (Act 20 of 1961), the Government of Kerala hereby make the following rules.—

PART I

Preliminary

1. (a) These Rules may be called "The Kerala Local Authorities Entertainments Tax Rules, 1962".

(b) They shall come into force, on the 1st April, 1962.

2. In these rules, unless there is anything repugnant in the subject or context -

(a) 'Act' means the Kerala Local Authorities Entertainments Tax Act, 1961.

(b) 'Executive Authority' means in the case of a Municipality or Corporation, the Commissioner and in the case of a Panchayat the executive authority as defined in the Kerala Panchayats Act, 1960 (Act 32 of 1960).

(c) 'Form' means a form appended to these rules.

(d) 'Season ticket' means a ticket which authorises admission to a series of entertainments during a definite period specified in it.

3. For the purposes of these rules — [1][xxx]

(ii) Entertainment shall include a series of entertainments held on any day reckoned from sunrise to sunrise.

PART II

Payment of the Tax by composition

4. Any proprietor desiring to compound the tax under Section 4 of the Act, shall, not less than seven days before the commencement of the entertainment, apply to the local authority furnishing details of the place, date, time and nature of the entertainment, the tickets of all classes proposed for issue and the rates of payment therefor, the maximum seating capacity in respect of each class, the probable number of admissions on payment in each class and the amount which the applicant offers as payment for the composition of the tax.

5. (1) The local authority shall, if it proposes to sanction the application fix the amount for which the entertainments tax may be compounded and specify the conditions, if any, subject to which the composition will be accepted. The entertainment shall be held only on payment of the sum so fixed or such portion thereof as may be specified by the local authority:

Provided that the tax so compounded shall not be less than 75 per cent of the probable estimate of tax payable under Section 3 of the Act:

Provided further that the tax compounded at a time shall not be for a period of less than one month and more than three months.

(2) The local authority shall issue to the proprietor a certificate in Form I and the proprietor shall comply with all the conditions laid down therein.

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* Published in Kerala Gazette Extraordinary No. 72 dt. 23-3-1962, as G.O. (Ms.) 26/62/DD, dt.22nd March, 1962.

1. Clause (i) was deleted by GO. Ms.63/63 DD of 21-1-1963, Published in Gazette of 21-1-1963.

PART III

Payment by means of Stamps

6. The rules in this Part shall apply to all entertainments admissions to which are required to be by tickets of the nature specified in Clause (a) of sub-section (1) of Section 5 of the Act.

7. Save as provided by the rules in this Part, no person shall mark or cause or permit to be marked in any manner any stamp referred to in Clause (a) of sub-section (1) of Section 5 of the Act.

8. The proprietor shall not issue or cause or permit to be issued any ticket being a ticket authorising a person to be admitted to an entertainment unless the price of admission and the statement hereinafter mentioned are legibly printed, stamped or otherwise marked on the ticket.

For the purpose of this rule "price of admission" means price exclusive of the entertainments tax and there shall be marked on every such ticket a statement that the price marked thereon excludes the entertainments tax.

9. The proprietor shall not issue or cause or permit to be issued to any person any stamp referred to in Clause (a) of sub-section (1) of Section 5 of the Act otherwise than securely affixed to a ticket issued for the purpose of authorising admission to an entertainment.

10. The proprietor Shall not, on any payment for admission to an entertainment being made, issue or cause or permit to be issued in respect of that payment any ticket authorising admission to the entertainment, other than a ticket to which is affixed a stamp indicating the proper amount of entertainments tax chargeable in respect of that payment.

11. (1) Save as provided by the rules in this Part, no stamp affixed to a ticket and indicating the proper entertainments tax payable in respect thereof shall be defaced, cut, torn or diminished before the ticket to which it is so affixed is issued and the proprietor shall not admit or cause or permit to be admitted any person to the entertainment by virtue of a ticket bearing a stamp which has been defaced, cut, torn or diminished.

(2) No person, being the holder of a ticket, to which a stamp is affixed, issued for the purpose of authorising admission to an entertainment, shall deface, cut, tear or diminish the stamp, or cause or permit to be defaced, cut, torn or diminished.

(3) The proprietor shall cause the tickets of all persons about to be admitted to the entertainment to be collected and every person about to be admitted by means of a stamped ticket shall immediately before admission to the entertainment deliver the ticket with the stamp affixed to the person who is collecting the tickets.

(4) When a ticket is so collected, the proprietor shall forthwith cause the stamp on the ticket to be defaced by tearing the ticket into two portions across the stamp. One portion of the ticket shall be returned to the person to be admitted to the entertainment and the other portion shall be retained, and kept by the proprietor until mid-day following the conclusion of the entertainment. The portion so retained and kept shall be destroyed immediately thereafter.

12. (1) Where any ticket purporting or intended to authorise the admission to the entertainment of more man one person is issued, the ticket shall be clearly marked with the number of persons so authorised to be admitted and the total price charged for the ticket, and the proprietor shall not admit or cause or permit to be admitted to the entertainment by virtue of that ticket a greater number of persons than that marked on the ticket.

(2) For the purpose of calculating the entertainments tax chargeable in such a case, there shall be deemed to be as many payments for admission as there are persons authorised to be admitted under the ticket and each of these payments shall be deemed to be equal in amount to the total price charged for the tickets divided by the total number of persons so authorised.

For the purpose of this rule, two children over three years and under twelve years of age each shall be considered to be equivalent to one person.

13. (1) Where the entertainments tax is calculated on a lump sum paid for a season ticket,

or for a ticket authorising admission to any entertainment during a certain period of time, the ticket shall, before being issued be marked with the name of the person to whom it is to be issued.

(2) Before any such season or other ticket is issued, a stamp indicating the proper amount of entertainments tax chargeable thereon shall be affixed thereto and the proprietor shall deface the stamp or cause it to be defaced by writing in ink on the face thereof the date of issue of the ticket and any stamp so defaced shall not be required to be defaced again at the time of admission to the entertainment in the manner prescribed in sub-rule (4) of Rule 11.

14. The proprietor shall not admit or cause or permit to be admitted to the entertainment, any person without a ticket with the stamp for the proper amount of the taxe affixed to it unless the person is the holder of a pass entitling him to be admitted without payment and clearly marked "free"

Provided that maximum number of free passes [2][xxx] which can be issued for entertainment shall be limited to 5 percent of the total number of seats available in each class.

15. The proprietor shall give not less than three days notice of the place, date, time and nature of the entertainment to the executive authority of the local authority concerned and the officer in charge of the police station having jurisdiction over the place.

16. The proprietor shall keep a register of entertainments tax stamps purchased and used in Form No.II and a register of tickets sold in Form No.III and shall submit to the local authority concerned a statement of entertainments tax stamps affixed to the tickets sold for admission in Form No. II and Form No. III.

17. The proprietor shall, at all reasonable times, on demand by any officer authorised by the local authority in this behalf produce or cause to be produced to that officer all books and records kept by the proprietor in connection with any entertainment and all tickets and portions of tickets and all stamps for the time being in his possession and shall allow that officer to inspect and take an account of the same or to remove the same for the purpose of examination or inquiry.

18. A person who has been admitted to an entertainment shall upon demand made by an officer authorised to enter any place of entertainment under Section 9 of the Act during the course of or immediately before or after the entertainment, produce to such officer the portion of the ticket bearing a stamp defaced in accordance with the rules in this Part by virtue of which ticket he was admitted or the pass entitling him to be admitted without payments.

19. The local authority shall repay to the proprietor of any entertainment, the value of stamps that are returned by him without having been cut, torn, defaced, diminished or otherwise spoiled or rendered unfit after deducting 5 nayepaise for each rupee or portion of a rupee on the aggregate value of the stamps and may reissue them for their face value.

PART IV

Payment of the Tax on the Basis of Returns

20. Any proprietor wishing to enter into an arrangement for the payment of tax in the manner specified in the latter part of Clause (b) of sub-section (1) of Section 5 of the Act shall apply to the local authority concerned not less than seven days before the entertainment, in Form No.IV furnishing details as to the place, date, time and nature of the entertainment and also the rates of payment for admission to it. Except in cases where the local authority concerned has by an order in writing exempted the proprietor from doing so, the application shall be accompanied by the tickets of all classes proposed for issue, the tickets of each class being printed in a different colour and bearing separate serial numbers. The local authority concerned, may for sufficient reasons condone the delay in the presentation provided it is presented at least 24 hours prior to the commencement of the entertainment.

21. The local authority concerned shall, if it proposes to sanction the application fix the amount and the nature of the security to be furnished by the proprietor and the time within which

2. Words "and badges" deleted by G.O. Ms. 63/63DD of 21-1-1963, Published in Kerala Gazette of 21-1-1963.

such security should be furnished. When the security is furnished, the local authority concerned shall grant the proprietor a permit in Form No. V.

22. When the permit is granted, any officer authorised in this behalf by the local authority concerned, shall impress with the official seal of the local authority, all the tickets sent by the proprietor along with his application and return them to the proprietor. The same procedure shall be adopted, in respect of the tickets that may subsequently be issued by the proprietor, and for this purpose such officer may require the proprietor to forward to him such tickets in such intervals as he may fix.

The sealed tickets remaining unsold shall be returned by the proprietor to the local authority. The accounts of tickets sold and those returned by the proprietor shall be maintained by the local authority.

23. The tickets shall be serially numbered and they shall run on consecutively from performance to performance until the series is completed:

Provided that if in any place of entertainment the system of advance booking is in force the tickets for each performance in a day may be serially numbered and each such series of tickets shall run on consecutively from performance to performance for which they are numbered until the series is completed.

24. Tickets for payment of the difference in the case of admission from a lower to a higher class shall also be serially numbered in the manner specified in Rule 23 and these tickets shall be shown separately in the register of tickets in Form No.III and in the return of tickets specified in the permit in Form No.V.

[3][**25.** The security furnished under Rule 21 shall be maintained in full so long as the permit continues to be in force and shall be liable to forfeiture either in full or in part if the returns are not furnished on the due date along with the receipt for the tax or if the returns are found to be inaccurate and no reasonable or satisfactory excuse is furnished for such delay or inaccuracy. The security shall also in the event of default, be liable to adjustment towards the tax due at any time without previous intimation].

26. (1) The proprietor shall keep true and correct accounts and submit the returns in the manner specified in the permit in Form No.V and shall also abide by and comply with, all the conditions specified therein.

(2) The proprietor shall pay the amount of tax due to the local authority at such times and in such manner as it may fix.

27. The proprietor shall not issue or cause or permit to be issued any ticket being a ticket authorising any person to be admitted to the entertainment, unless the price of admission and the statement hereinafter mentioned are legibly printed, stamped or otherwise marked on such a ticket and if the ticket should be impressed with the official seal of the local authority concerned unless it has been so impressed.

For the purpose of this rule "price of admission" includes the tax due on the total sum paid for admission and there shall be marked on every such ticket a statement that the price marked thereon includes the tax.

28. The proprietor shall also forward to the Executive Authority concerned a return in Form No. VI showing the number and classes of season tickets issued, the period for which such tickets are available and the gross sum realised thereby along with the return for the first of the series of entertainments for admission to which such season tickets are valid. If any season ticket is issued subsequently during the course of the series of entertainment for which the season ticket is valid it shall be shown in the return to be sent for the entertainments which takes place next after the issue of the ticket.

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3. Rule 25 substituted by G.O. MS. 63/63/DD of 21-1-1963 in Gazette 21-1-1963.

29. (1) The proprietor shall not admit or cause or permit to be admitted to the entertainment any person without a ticket unless a person is the holder of a pass entitling him to be admitted without payment and clearly marked "free".

(2) The proprietor shall cause the tickets of all persons about to be admitted to the entertainment to be collected and every such person shall, immediately before admission to the entertainment, deliver the ticket to the person who is collecting the tickets. When a ticket is so collected, one portion of the ticket shall be returned to the person to be admitted to the entertainment and the other portion shall be retained and kept by the proprietor until midday following the conclusion of the entertainment. The portion so retained and kept shall be destroyed immediately thereafter.

(3) A person who has been admitted to an entertainment shall, upon demand made by an officer authorised to enter any place of entertainment under Section 9 of the Act during the course of or immediately before or after the entertainment, produce to such officer the portion of the ticket by virtue of which ticket he was admitted or the pass entitling him to be admitted without payment.

30. The proprietor shall keep registers of payment for admission in Form No. III and shall submit to the local authority returns in Form No. III.

31. The proprietor shall, at all reasonable times, on demand by any officer authorised by the local authority concerned in this behalf produce or cause to be produced before that officer all books and records kept by the proprietor in connection with any entertainment and all tickets and all portions of tickets for the time being in his possession and shall allow that officer to inspect and take an account of the same or to remove the same for the purpose of examination or enquiry.

32. The permit shall be exhibited in a conspicuous place and produced before inspecting officers on demand.

PART V

Payment of tax in cases where admission is controlled by Mechanical Contrivance

33. A proprietor may be permitted by the local authority concerned to avail himself of the provisions of Clause (b) of sub-section (1) of Section 5 of the Act on his furnishing such security as may be required. He shall be given a permit in Form No. VII.

34. No person shall, unless he is the holder of a pass clearly marked free, be admitted to an entertainment in respect of which a permit is granted under Rule 33 except through the mechanical contrivance and except on payment of the price of admission inclusive of tax.

35. The security furnished under Rule 33 shall be maintained in full so long as the permit continues to be in force and shall be liable to forfeiture if the returns are not furnished on the due date along with the tax or if the returns are found to be inaccurate. The security shall also in the event of default be liable to adjustment towards the tax due at any time without previous intimation.

36. A proprietor shall keep a register of persons admitted in Form No.VIII.

37. (1) The proprietor shall keep true and correct accounts and submit returns in the manner specified in the permit in Form No. VII and shall also abide by, and comply with, all the conditions specified therein.

(2) The proprietor shall pay the tax due to the local authority in such manner as it may direct.

38. Every mechanical contrivance at a place of entertainment shall at all reasonable times be open to inspection by any officer authorised by the local authority concerned in this behalf.

39. The proprietor shall at all reasonable times on demand by such officer authorised by the local authority concerned produce or cause to be produced before that officer all books and records kept by the proprietor in connection with any entertainment and shall allow that officer to inspect and take an account of the same or to remove the same for the purpose of examination or enquiry.

40. The permit granted under Rule 33 shall be exhibited in a conspicuous place and produced before the inspecting officers on demand.

PART VI

Payment of tax on admission to entertainments on payment of Subscriptions or Contributions to an institution

41. (1) When the payment for admission to an entertainment or a series of entertainments is a lump sum paid as subscription or contribution to an institution and when such payment enables the persons making it also to exercise other privileges or rights in that institution, the proprietor shall apply to the local authority concerned to fix such amount as appears to it to represent the right of admission to the entertainment or series of entertainments and the amount of tax payable on such portion.

(2) Along with the application, the proprietor shall furnish details of the number of persons so subscribing or contributing, the amount realised, the number and nature of the entertainments, the rates of payment for admission for those who have not so subscribed or contributed and the nature of other rights, privileges, etc. to which a person subscribing or contributing to the institution is eligible, and also a copy of the rules and regulations, if any, of the institution.

(3) The local authority concerned shall fix the amount which appears to it to represent the right of admission to the entertainment or series of entertainments and the amount of tax payable thereon and may require the proprietor to furnish such security as it may think fit.

(4) The amount of tax fixed by the local authority concerned shall be paid by the proprietor with seven days from the date of receipt by him of the order of the local authority fixing the amount of tax due.

PART VII

Exemption & Refunds

42. Any proprietor claiming exemption from payment of the tax under sub-section (1) of Section 7 of the Act shall, not less than fourteen days before the date of the entertainment present an application for such exemption to the local authority concerned.

Such application shall be accompanied by a fee of rupees five.

The local authority concerned may, in its discretion, require the proprietor to furnish such security as it considers necessary:

Provided that the local authority may, in its discretion, accept an application presented at shorter notice or after the entertainment has been held, [4] [xxx] if it is satisfied that the entertainment falls under one or more of Clauses (a) to (d) of the said sub-section.

43. (1) A local authority may, if it is satisfied that the information furnished in the application is correct and complete, that the correct fee has been paid and that the request falls within the scope of sub-section (1) of Section 7 of the Act, provisionally grant the exemption.

(2) The exemption granted under sub-rule (1) shall be in the form of certificate in Form No. IX or X, as the case may be, and the proprietor shall comply with the conditions specified therein.

(3) As soon as the entertainment in respect of which certificate issued is conducted and the accounts prescribed in the certificate are produced by the proprietor, the local authority may confirm the original order if it is satisfied that the conditions relating to the grant are satisfied. If the accounts are not produced within the time allowed or if any of the conditions prescribed in that behalf are not satisfied, the provisional order issued under sub-rule (1) is liable for cancellation.

(4) Every order passed under sub-rule (3) is final.

[5][**44.** (1) Any person seeking exemption from liability to tax under sub-section (1) of section 7A shall apply to the Government well before the commencement of the proposed entertainment.

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4. The words "or may dispense with an application altogether" deleted by G.O. Ms. 63/63 DD of 21-3-1963 in Gazette of 21-1-1963.
5. Substituted by S.R.O. No. 1158/2000 dt. 8-12-2000, published in Kerala Gazette Extraordinary No. 2223 dt. 19-12-2000

(2) The application shall be affixed with a court fee stamp worth Rupees 5.

(3) The application shall specifically state,—

(i) the purpose for which the fund raised out of the entertainment is proposed to be utilised;

(ii) the place or places of the entertainment proposed to be conducted, and;

(iii) the period of entertainment.

45. (1) The Government shall consider the application under rule 44 and if they are satisfied that the application is correct, complete and genuine exempt the entertainment from the liability to tax.

(2) The order issued under sub-rule (1) shall be communicated to the applicant and to the Executive Authority of the Local Authority within which the entertainment is proposed to be conducted.

(3) The applicant in whose favour an order under sub-rule (1) has been issued shall produce the order before the Executive Authority of the Local Authority concerned.

(4) A copy of the order issued under sub-rule (1) shall be affixed in a conspicuous place where the Entertainment is conducted and produced before the Inspecting officer on demand.

46. (1) Any person seeking exemption from liability to tax under sub-section (3) of section 7A shall apply to the Local Authority before 30 days of commencement of the entertainment.

(2) The application shall be affixed with court fee stamp worth Rupees 5.

(3) The local authority shall consider the application under sub-rule (1) and if they are satisfied that the application is correct, complete and genuine, forward a copy of the same with their recommendation to the Government for previous sanction.

(4) The Government shall consider the request of the Local Authority and take appropriate decision.

(5) The Executive Authority shall, if, sanction is accorded by the Government, issue an order exempting the entertainment from liability to tax.

(6) The exemption granted under sub-rule (5) shall be in Form XI.

(7) A copy of the order issued under sub-rule (5) shall be affixed in a conspicuous place where the entertainment is conducted.]

PART VIII

Miscellaneous

47. Every owner or other person in charge of any theatre, hall or other premises who lets out the same for the purposes of an entertainment which is liable to tax under the Act shall give notice of such entertainment to the local authority concerned and the officer in charge of the police station having jurisdiction over the place. Such notice shall be given at least three days before the entertainment and shall specify the nature of the entertainment, the name and address of the proprietor and the date on which, and the time at which, the entertainments is to be held.

48. Any officer authorised to enter any place of entertainment under Section 9 of the Act or any other officer who has to enter any place of entertainment in pursuance of a duty imposed on him by or under the Act or any other law shall, before entering, demand from the proprietor a pass entitling him to admission without payment. The proprietor shall on demand provide such officer with a pass entitling him to admission without payment and clearly marked "free":

Provided that the failure of the proprietor to comply with the demand shall not prevent such officer from entering the place of entertainment without making any payment and discharging his duty.

49. Any person who commits a breach of any of these rules or of any of the conditions of the permit in Form Nos. V and VII or any of the certificates in Form Nos.I, IX, X and XI shall on conviction by a Magistrate be punishable with fine which may extend to one hundred rupees.

50. Where a form has been prescribed by these rules for the keeping or maintaining of any register or for the submission of any return, only the appropriate form shall be used for the purpose.

51. Where a permit or certificate granted under these rules is lost or accidently destroyed, a duplicate of the permit or certificate, as the case may be, may be granted on payment of a fee of one rupee and the same shall be superscribed duplicate.

52. The service on a proprietor of any notice, summons or order under the Act or the rules made thereunder may be effected in any of the following ways, namely:—

(a) by giving or tendering it to such proprietor or his manager or his clerk or agent; or

(b) if such proprietor or his manager or clerk or agent is not found, by leaving it at the place of entertainment or last known place of residence of by giving or tendering it to some adult member of his family; or

(c) if the address of such proprietor is known by sending it to him by registered post; or,

(d) if none of the modes aforesaid is practicable by affixing it in some conspicuous place of his last known place of entertainment or residence.

53. (1) Any officer authorised by the local authority concerned may require any person whose evidence he considers necessary for the purpose of any enquiry under the Act or the rules made thereunder to appear before him and give evidence. Such officers may examine such person on oath or affirmation.

(2) Such officer shall have all the powers conferred on a court by the Code of Civil Procedure, 1908 for the purpose of securing the attendance of persons or the production of documents.

(3) Such officer shall issue a summons for the production of documents or the appearance of any person.

54. A person other than the proprietor appearing before an Officer, in pursuance of a summons to give evidence or produce documents in an enquiry under the Act or the Rules made thereunder shall be paid from the funds of the local authority concerned travelling allowance and batta at such rates as may be fixed by the State Government from time to time.

FORM No. I

[*See* Rule 5(2)]

Certificate of composition of the entertainment tax

This is to certify that the proprietor of the entertainment specified below has paid the tax by composition:—

(1) Name of the proprietor

(2) Description of the entertainment

(3) Date

(4) Place

2. This certificate must not be used for any entertainment other than that specified above, and it must be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment.

No correction or erasure of any kind must be made or allowed to be made in this certificate.

Station: Signature of the Officer

Date : Designation

FORM No. II

(*See* Rule 16)

Register of Entertainments Tax Stamps

Place of Entertainment

DENOMINATION OF STAMP

Date	Number of stamps purchased	Number of stamps issued for affixture to tickets	Balance on hand	Remarks
(1)	(2)	(3)	(4)	(5)

(Signed)
Proprietor

FORM No. III

(See Rules 16, 24 & 30)

Register of Tickets sold

Entertainment Place of Entertainment

Date

Seating capacity in each class	Price of admission	Serial Number of tickets issued (From numbers to numbers)	Number of tickets sold	Number of free passes issued	Amount received on account of tickets sold	Amount of the entertainment tax	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
					Rs. Ps.	Rs. Ps.	
			TOTAL				

(Signed)
Proprietor

FORM No. IV

[*See* Rule 20]

Application to the..... for permission to pay the entertainments tax on the basis of returns under Section 5 of the Kerala Local Authorities

later part of section

Entertainments Tax Act, 1961.

Applicant's (Proprietor's) name.
Residential Address.
Kind of entertainments.
Place where they will be held.
How often in a week and on what days.
Price of admission.
Sir,

I beg to apply for grant of permission to pay the entertainments tax on the basis of returns under Section 5 of the Kerala Local Authorities Entertainments Tax Act, 1961.

I agree to furnish the security demanded for the payment of the entertainments tax due from me and to furnish true returns of payments for admission to the entertainments under each class of ticket value in such form and at such time as may be stipulated.

I agree to pay the taxes due in respect of each entertainment along with the returns before the next entertainment commences and shall pay any excess found due within seven days after it is demanded.

I agree to and shall abide by all the conditions of the permit.

If I fail to submit true returns it is open to the ..... to forfeit the security furnished and recover the taxes due from me in addition.

Date: Yours faithfully,

FORM No. V

[*See* Rules 21, 24 and 26]

Permit to pay the tax on the basis of returns

(Proprietor) dated.....

Read:- Application from..... in respect of the following entertainment:—

.....(Proprietor) is permitted to pay the entertainments tax due on the above entertainments on the basis of returns to be submitted by him. This permission is subject to the following conditions:-

(1) This permission may be revoked at any time without reason being assigned and no compensation shall be payable by the..... on account of any loss caused to the proprietor by reason of such revocation.

(2) It is subject to the observance of the provisions of the Kerala Local Authorities Entertainments Tax Act, 1961, the rules and bye-laws framed thereunder and the conditions of this permit and such other conditions as may from time to time be specified.

(3) A correct and complete account shall be maintained in Form No. III appended to the Kerala Local Authorities Entertainments Tax Rules, 1962 and shall show the number of tickets of every class issued and sold for each performance, the amount received for such tickets and the total of the entertainments tax due thereon. This account and ticket remaining in stock shall be shown to the inspecting officer with other connected records when demanded for verification. Full facilities shall be given to inspecting officer to check the correctness of the records by counting the number of spectators or the audience during any performance covered by this permit.

(4) A return giving the totals in respect of the particulars prescribed in Form No.III, appended to the Kerala Local Authorities Entertainments Tax Rules, 1962 for all performances during the week from Monday to Sunday (both inclusive) shall be sent so as to reach the office of

each day

on the Tuesday immediately following at the latest. The amount of tax due shall be paid along with

on the next working day

the return.

(Signature of the Officer)
Designation

FORM No. VI

[*See* Rule 28]

Return of season tickets sold for the period ending

Class of tickets	Number of tickets sold	Period for which available	Gross sum realised	Amount of tax due	Remarks
1	2	3	4	5	6

Proprietor

FORM No. VII

[*See* Rules 33 and 37(1)]

Permit for the Payment of the Tax on the Basis of Returns as Recorded by Mechanical Contrivance

Read: - Application from dated 19 in respect of the following entertainments.

Proprietor is permitted to pay the entertainments tax due on the above entertainments on the basis of the returns recorded by the mechanical contrivance installed at the place of entertainments.

(1) This permission may be revoked at any time without reason being assigned and no compensation shall be payable by ..... on account of any loss caused to the proprietor by reason of such revocation.

(2) It is subject to the observance of the provisions of the Kerala Local Authorities Entertainments Tax Act, 1961, the rules and bye-laws framed thereunder, the conditions of this permit and such other conditions as may from time to time be specified.

(3) A correct and complete account shall be maintained in Form No.VIII appended to the Kerala Local Authorities Entertainments Tax Rules, 1962 and shall show the number of persons admitted to each class, the amount received and the total of the entertainment tax due thereon. This account shall be shown to the inspecting officers with other connected records when demanded for verification. Full facilities shall be given to the inspecting officers to check the correctness of the records by continuing the number of spectators or the audience during any performance covered by this permit.

(4) A return in Form No. VIII appended to the Kerala Local Authorities Entertainments Tax Rules, 1962 showing the payments for admission made in respect of all performances in a week (each day) from Monday to Sunday (both inclusive) shall be sent so as to reach the office of the undersigned on the Tuesday immediately following (next working day) at the latest. The amount of tax due shall be remitted along with the return. The number of persons admitted on free passes or at concession rates shall invariably be noted in the returns separately for each performance.

(Signature of the Officer)
Designation

FORM No. VIII

(*See* Rule 36)

Register of Number of Persons Admitted by Mechanical Contrivance

Entertainment Place of Entertainment

Date

Price of admission	Number of persons admitted on payment	Number of persons admitted on free passes	Gross receipts	Amount of tax collected	Remarks
1	2	3	4	5	6
			Rs. Ps.	Rs. Ps.	
		TOTAL			

Signature of Proprietor
Designation

FORM No. IX

(*See* Rule 43)

Certificate of Exemption From Entertainments Tax

The proprietor having paid to the Local Authority the prescribed fee of rupees five, this is to certify that the entertainment specified below is permitted to be given free of entertainments tax provided that the whole of the takings is devoted to philanthropic, religious or charitable purposes as specified below.

Description

Date

Place

Purpose for which the proceeds are to be utilised.

This certificate is issued subject to the following conditions:—

(1) The whole of the takings of the entertainment without any deduction for expenses must be paid over to .....

(2) A full and true account of the entire takings shall be furnished by the proprietor to the institution or person specified in condition (1) along with the gross proceeds and an acknowledgment from the institution or person to that effect shall be filed before the officer issuing certificate within one month after the date of entertainment.

(3) The proprietor shall maintain proper accounts and shall submit to the officer issuing the certificate such returns as prescribed by him.

[6][(4) The proprietor will be liable for the payment of the proper entertainments tax if the officer issuing the certificate is not satisfied that the whole of the taking is devoted to philanthropic, religious or charitable purposes as specified above, without any deduction for expenses.]

(5) This certificate must not be used for any entertainment other than that specified above and it must be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment. No correction or erasure of any kind may be made in the certificate except under the initials of the officer issuing the certificates.

(6) If the entertainment is not given on the date and at the place specified above the proprietor must give notice in writing to that effect to the officer issuing the certificate within one week after the date fixed for holding it.

(7) The deposit of Rupees..... made by the proprietor (name) ..... as security for devoting the entire gross proceeds for the purposes for which the entertainment is intended will be returned on production of satisfactory proof that they have been so appropriated.

(Signature of the officer issuing the certificate)
Designation

FORM No. X

[*See* Rule 43]

Provisional Certificate for exemption from Entertainments Tax

The proprietor having paid to the Local Authority the prescribed fee of Rupees 5, this is to certify that the entertainment more particularly specified below, having been reported by the proprietor to be one.

(a) of a wholly educational character;

(b) provided for purposes which are partly educational, cultural or scientific by an institution not conducted or established for profit;

(c) provided by an institution not conducted for profit and falling within the scope of Section 7 (1) of the Kerala Local Authorities Entertainments Tax Act, 1961.

(Strike out such of the items as are not applicable) is provisionally exempted from the levy of entertainments tax-

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6. Substituted by Notification No. 33999/M1 dt. 30-5-1962.

Description
Date
Place

This certificate is subject to the following conditions:—

1. The proprietor should maintain such accounts and submit to the officer issuing the certificate such returns as are prescribed by him.

2. This certificate is subject to the confirmation by the competent authority; such confirmation shall be made after the accounts are checked and if the competent authority is satisfied that the conditions relating to the grant have been fulfilled.

3. This certificate must not be used for any entertainment other than that specified above, and it must be exhibited in a prominent position of the public entrance to the place of entertainment at the time the public are admitted and during the entertainment. No correction or erasure of any kind may be made in the certificate except under the initials of the officer issuing the certificate.

(Signature of the officer issuing the certificate)
Designation

[7][FORM No. XI

[*See* Sub-rule (6) of Rule 46]

In pursuance of the Government sanction accorded in G.O. No. ..... dated ..... (here enter the name/class of the entertainment is exempted from liability to entertainment tax as detailed below:—

1. Category of Entertainment.
2. Place of Entertainment.
3. Period of Entertainment.

Place: Signature of Executive Authority.
Date:

Note.— This certificate is to be exhibited at the place of entertainment while the entertainment is going on.]

GOVERNMENT OF KERALA
Development (M1. Rules) Dept.

No. 90982/ML.Rules 1/69/DD Trivandrum, 10-2-1970.

Circular Memorandum I

Sub:- Amendments effected to the Kerala Local Authorities Entertainments Tax Act, 1961 by the Kerala Local Authorities Entertainments Tax (Amendment) Act, 1969 - Clarifications.

By the Kerala Local Authorities Entertainments Tax (Amendment) Act, 1969 certain amendments have been effected to the provisions relating to the levy of entertainments Tax on magic, drama and circus performances. Magic performances stand completely exempted from the levy and in respect of dramatic and circus performances a new provisions viz. Section 6A has been incorporated in the statute as follows:—

[Section 6A omitted].

Consequent on the coming into force of the above provisions the following points have come up for consideration:–

(1) Whether additional tax on entertainment and surcharge on show tax has to be levied on entertainments which are taxed under section 6 A of the Act, and

(2) Whether the proprietor of dramatic or circus performance has to be completely relieved of any tax in case his eligibility for exemption provided under section 7 of the Act is made out.

The above points have been examined by the Government and the following clarification is issued.

Point (1).— As per Section 2 of the Kerala Additional Tax on Entertainments and Surcharge on Show Tax Act, 1963 (22 of 1963) the additional tax is to be levied on each payment of admission

7. Substituted by S.R.O. No. 1158/2000, published in Kerala Gazette Extraordinary No. 2223 dt. 19-12-2000

to any entertainment which is subject to the levy of entertainments tax under Section 3 of the Kerala Local Authorities Entertainments Tax Act, 1961 (20 of 1961). Since the tax on dramatic and circus performances under the Kerala Local Authorities Entertainments Tax Act, 1961 are to be levied under section 6A, of the Act the question of levying additional tax and surcharge on show tax on these entertainments do not arise.

Point (2).— Section 7 of the Act provides that the entertainments tax shall not be levied on payments for admission to any entertainment where the local authority in satisfied that the entertainment is of a wholly educational character etc. Hence, it is clear that entertainments exempted from the levy of tax under section 7 of the Act cannot be assessed to entertainment tax either under section 3 or under section 6A of the Act. Those entertainments cannot also be assessed to the additional tax under Kerala Additional Tax on Entertainment and Surcharge on Show Tax Act, 1963 (22 of 1963).

The Director of Panchayats will bring these instructions to the notice of all the Panchayats.

GOVERNMENT OF KERALA

Development (Municipal B) Dept.,

No. 97854/M1.B2/69/DD. Dated, Trivandrum, 14-5-1970.

Circular Memorandum II

Sub:- Sealing of tickets - Section 6A of the Kerala Local Authorities Entertainment Tax Act - Direction issued.

According to Rule 45 of the Kerala Local Authorities Entertainment Tax Act, 1961 all tickets proposed to be issued in respect of entertainment exempted from tax shall be got stamped. The methods for payment of entertainment tax have been laid down in the Rules. According to Rule 22, when tax is paid on the basis of returns the tickets shall be got stamped by the proprietor. There are also other methods for payment of tax viz., payment by means of stamps, payments where admission is regulated by mechanical contrivance etc. where sealing of tickets is not made.

By the Kerala Local Authorities Entertainment Tax (Amendment) Act, 1969 a tax at the rate of Rupees 15/- per show for circus performances and Rupees 25/- per show for dramatic performances was introduced. In view of the fact that there is no provision in the Rules that tickets should be got sealed when tax is paid (tax is not obviously on the basis of returns) and since the shows are not exempted from entertainment tax, there would be no need for getting the tickets sealed.

GOVERNMENT OF KERALA

Local Administration Department

No. 11185/M1.B2/71/LAD (Municipal, B) Trivandrum, 12-5-1971

Circular Memorandum III

Sub:- Amendments effected to the Kerala Local Authorities Entertainment Tax Act, 1961 by the Kerala Local Authorities Entertainment Tax (Amendment) Act, 1969 - Clarification - Inclusion of Hypnotism under the term magic performances.

By Section 2 of the Kerala Local Authorities Entertainments Tax (Amendment) Act, 1969 "Magic Performances" are exempted from the levy of entertainment tax.

A question has been raised whether a performance of "hypnotism" will come within the meaning of magic performance for the purpose of exemption from the levy. Government have examined the question and Government, have been advised that "hypnotism" may be taken as coming within the meaning of the term "natural magic" which is defined as the art of working wonders by a superior knowledge of the powers of nature. For the above reasons, the "magic performance" exempted under Section 2 of the Kerala Local Authorities Entertainment Tax (Amendment) Act, 1969 have to be viewed as taking in an exhibition of hypnotic powers also.

In the circumstances Government are pleased to clarify that "magic performance" exempted under the Kerala Local Authorities Entertainment Tax (Amendment) Act, 1969 will include the performance of "hypnotism" also for the purpose of exemption from the levy of entertainment tax.

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*THE KERALA LOCAL AUTHORITIES LOANS ACT, 1963**

(Act 30 of 1963 as amended by Act 16 of 2000)

An Act to unify and amend the law relating to the borrowing powers of local authorities in the State of Kerala.

Preamble.— Whereas it is expedient to unify and amend the law relating to the borrowing powers of local authorities in the State of Kerala:

Be it enacted in the Fourteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Local Authorities Loans Act, 1963.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint[1].

2. Definitions.— In this Act, unless the context otherwise requires,—

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

Explanation:- A person mean's and includes any authority or body corporate.]

(2) 'funds' used with reference to any local authority includes any local panchayat or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose and any property vested in such authority;

(3) "prescribed" means prescribed by rules made under this Act; and

(4) "work" includes a survey whether incidental to any other work or not.

3. Borrowing powers of local authorities.— (1) A Local Authority may, subject to the prescribed conditions, borrow money from the Government or with the previous sanction of the Government from any other person, on the security of its funds or any portion thereof, for any of the following purposes, namely:—

(i) the carrying out of any work which it is legally authorised to carry out;

(ii) the giving of relief and the establishment and maintenance of relief works in times of famine, scarcity, epidemic or flood;

(iii) the prevention of the outbreak or spread of any dangerous epidemic disease;

(iv) any measures which may be connected with or ancillary to any purposes specified in Clauses (ii) and (iii);

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* Published in Kerala Gazette Extra No. 108 dt. 11-10-1963.

** **This Act has been Amended by Kerala Local Authorities Loans (Amendment) Ordinance (Ordinance No. 35 of 2010), published in K.G.Ex. No. 1815 dt. 8-8-2010. The amended provisions are Section 2 and newly inserted Section 3A. Please check when the Ordinance becomes an Act at a later date.**

1. Came into force on 1st August, 1965. See Gazette of 20-7-1965.
2. Clause (1) Substituted by Kerala Decentralisation of Powers Act, 2000 (16 of 2000), Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(v) the repayment of money previously borrowed in accordance with law:

Provided that no portion of the money so borrowed shall be applied to any purpose other than that for which it was borrowed;

(vi) any other purpose which the Government may specify.

(2)(a) The time for the repayment of any money borrowed under this section shall in no case exceed sixty years:

(b) The time for the repayment of any money borrowed before the commencement of this Act shall not, except with the express sanction of the Government, extend beyond the period of sixty years.

(c) The time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond the unexpired portion of the period for which such previous loan was raised.

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

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

4. Remedy by attachment if loan not repaid.— If any money borrowed in accordance with the provisions of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Government if itself the lender, may, and if the Government is not the lender shall on the application of the lender attach the funds on the security of which the loan was made. After such attachment, no person, except an officer appointed in this behalf by the Government, shall in any way deal with the attached funds, but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

5. Power of local authority to guarantee payment of interest on, or to create a fund for repayment of capital expended on any work to which the funds may be applied.— The Government may authorise any local authority either severally or in conjunction with any other local authority, to charge its funds or any part thereof by way of guarantee for the payment of interest on, or by the creation of a fund for the repayment of, money expended or to be expended on any work or for any of the purposes to which such funds might be by law applied.

6. Remedy by attachment if engagements not fulfilled.— In the event of default being made by a local authority in the fulfillment of engagements entered into under the last preceding section, the Government may on the application of a person entitled under such engagements, attach the funds made subject to charge on account thereof. After such attachment, no person, except an officer appointed in this behalf by the Government shall in any way deal with the attached funds; but such officer may do all acts in respect thereof which the local authority might have done if such attachment had not taken place, and may apply the proceeds to the discharge of the liabilities incurred and in payment of all costs due in respect thereof, and of all expenses caused by the attachment and subsequent proceedings consequent thereon:

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law; but all such prior charges shall be paid

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3. Substituted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) Published in Kerala Gazette Extra No. 869 dt. 12-5-2000.

out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of a liability in respect of which such attachment is made.

7. Issue of short term bills.— (1) Subject to the provisions of Section 31 of the Reserve Bank of India Act, 1934, any local authority to which the Government may by notification in the Gazette extend the provisions of this sections, may, with the previous sanction of the Government, borrow money by means of the issue of bills or promissory notes payable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under the provisions of this Act.

(2) The Government may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this section.

8. Power of Government to make rules.— (1) The Government may, by notification in the Gazette make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide as to:—

(i) the nature of the funds on the security of which money may be borrowed or interest guaranteed;

(ii) the works for which money may be borrowed or for the carrying out of which the payment of interest may be guaranteed;

(iii) the manner of making applications for permission to borrow money;

(iv) the manner of making applications for sanction to give guarantee under Section 5;

(v) the inquiries to be made in relation to such application and the manner of conducting such inquiries;

(vi) the inquiries to be made in relation to loans and the manner of conducting such inquiries;

(vii) the inspection of any works carried out under any contract in respect of which the payment of interest is guaranteed under this Act;

(viii) the accounts to be kept by the person or corporate body with whom such contract is made and for the inspection of the same;

(ix) the cases and the forms in which particulars of applications and proceedings, and orders thereon, shall be published;

(x) the cases in which and the conditions subject to which the Government may make loans;

(xi) the cases in which and the conditions subject to which local authorities may take loans from persons other than the Government;

(xii) the manner of recording and enforcing the conditions on which money is to be borrowed;

(xiii) the manner and the time of making or raising loans;

(xiv) the inspection of any works carried out by means of loans;

(xv) the instalments, if any, by which loans shall be repaid, the interest to be charged on loans and the manner and the time of repaying loans and of paying the interest thereon;

(xvi) the sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan;

(xvii) the attachment of such funds and the manner of disposing of or collecting them;

(xviii) the accounts to be kept in respect of loans;

(xix) the utilisation of unexpended balances of loans either in the reduction in any way of the debt of the local authority, or in carrying out any works which that authority is legally authorised to carry out, and the sanction necessary to such utilisation.

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

9. Loans not to be effected except under this Act.— Except as provided by or under this Act, no local authority shall, for any purpose, borrow money upon or otherwise charge, its funds, and any contract otherwise made for that purpose after the passing of this Act shall be void:

Provided that nothing herein contained shall be deemed —

(a) to preclude any local authority from exercising the borrowing powers conferred on it by any special enactment now or hereafter in force; or

(b) to affect the power conferred on any local authority by any such enactment to charge its funds, by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.

10. Repeal.— The Local Authorities Loans Act, 1914 (Central Act 9 of 1914), and the Madras Local Authorities Loans Act, 1888 (Madras Act I of 1888) as in force in the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) and the Travancore-Cochin Local Authorities Loans Act, 1951 (Act IX of 1951), are hereby repealed.

*THE LOCAL AUTHORITIES LOANS RULES, 1965

S.R.O. No. 268/65.— In exercise of the powers conferred by Section 8 of the Kerala Local Authorities Loans Act, 1963 (30 of 1963), the Government of Kerala hereby make the following rules namely:—

RULES

1. Short title and commencement.— (1) These rules may be called the Kerala Local Authorities Loans Rules, 1965.

(2) They shall come into force with effect from 1st August, 1965.

2. Definitions.— In these rules, unless the context otherwise requires—

(i) the 'Act' means the Kerala Local Authorities Loans Act, 1963 (Act 30 of 1963);

(ii) "Government loan" means a loan taken by a local authority from the Government funds;

(iii) "loan" means a loan made, taken or raised under the Act;

(iv) "non-Government loan" means a loan raised otherwise than from Government funds;

(v) "term of a loan" means the period elapsing between the date on which the loan is completely made, taken or raised and the date on which it is completely repaid.

3. Limitation of borrowing power.— A local authority shall not borrow money for any of the purposes specified in Clauses (i) to (iv) of sub-section (1) of Section 3 of the Act unless the work to be carried out is either—

(a) within the local limits of the area subject to the control of the local authority,

(b) for the benefit of the inhabitants within those limits.

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* Published in Kerala Gazette No. 28 dt. 20-7-1965 as G.O. MS. No.588/65/HLD, dt. 7th July, 1965.

4. Nature of the funds on the security of which a local authority may borrow.— For the purpose of borrowing money under Section 3 of the Act or guaranteeing interest under Section 5 of the Act, a local authority shall not offer as security any of its funds which is charged under any provision of law for any specific purpose other than the one for which the loan is proposed to be raised or for which the interest is proposed to be guaranteed, except with the approval of the Government.

5. Works for which money may be borrowed etc.— A local authority shall not borrow money nor shall it guarantee the payment of interest for any work which it is not legally authorised to execute under the provisions of law governing it.

6. Manner of application for permission to borrow money.— When a local authority desires to borrow money, it shall submit an application to the Government or to such authority as may be specified by them in this behalf, in the form given in Appendix I.

7. Manner of making application for sanction to give guarantee.— When a local authority desires either severally or in conjunction with any other local authority to charge its funds or any part thereof by way of guarantee for the payment of interest on money expended or to be expended on any work, under Section 5 of the Act, it shall submit an application to the Government in the form given in Appendix II.

8. Inquiries to be made on applications.— The Government or the authority authorised under Rule 6, shall cause such inquiry as they think fit to be made into the statements contained in the application made, under Rule 6 or 7 as the case may be. Such enquiry may be conducted through such persons as the Government or the authority may authorise or with reference to such records as they may deem fit.

9. Rejection of application etc.— If it appears to the Government or the authority authorised under Rule 6, as the case may be, that the money ought not to be borrowed or that the payment of interest on the money expended or to be expended on any work or for any of the purposes, to which such funds might be by law applied, shall not be guaranteed, it shall reject the application.

10. [1][x x x]

11. [2]**[Disposal of application.**— The Government or the authority authorised under Rule 6, as the case may be, after conducting the enquiry referred to in Rule 8 either–

(i) reject the application, or

(ii) grant the loan or sanction the raising of the loan as the case may be, or

(iii) permit the local authority to guarantee the payment of interest under Section 5 of the Act.

Provided that no application shall be rejected under this rule without giving the Local authority an opportunity to show cause against the action proposed to be taken.]

[1]**11A** [x x x]

12. Power of Government to grant urgent loans.— Where a local authority in its application desires the immediate grant, or sanction to the raising of a loan on the ground that funds are urgently needed for any of the purposes mentioned in sub-section (1) of Section 3 of the Act, the Government or the authority authorised under rule 6 as the case may be, if it is satisfied that the loan is urgently needed for any purpose, may, notwithstanding anything contained in Rules 8 [1][x x x] and 11 after such inquiry, if any, as it thinks fit to make, grant, or sanction the raising of, such loan at any time after the receipt of the application.

13. Conditions relating to non-Government loans.— The Government or the authority authorised under Rule 6 shall not permit the raising of a non-Government loan unless it is satisfied

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1. Omitted by S.R.O. No. 486/80 Published in Kerala Gazette No. 23 dt. 3-6-1980.
2. Substituted by ibid.

that the local authority will be able to repay the loan together with interest in time from the proceeds from the work to be executed with the proposed loan.

14. Inspection of works etc.— It shall be lawful for the Government or for such officers as they may authorise, to inspect or to cause the inspection or any work carried out under contract in respect of which the payment of interest is guaranteed by a local authority either severally or in conjunction with any other local authority under Section 5 of the Act and every person in charge of the execution of the work shall be bound to afford such facilities as the inspecting officers may require for the purpose of inspection of the work.

(2) The person or the corporate body with whom any such contract for the work is made, shall keep such accounts in respect of the work as the Government or such inspecting officers may require and all such accounts shall be made available to the Government or the inspecting officers for inspection if so called for.

15. Grant of Government Loans.— (1) If the Government grant a loan to a local authority under Rule 11, the local authority shall be required to execute an agreement in the form given in Appendix III in favour of the Government and the loan shall be granted subject to such conditions as the Government may specify.

(2) Every grant of a Government loan shall be subject to the conditions that–

(i) the local authority shall furnish to the Examiner of Local Fund Accounts, the Accountant General, the Government and the authority authorised under Rule 6, all information which they may require regarding its funds and regarding the expenditure of the loan;

(ii) the accounts of the local authority in respect of the loan amount shall be open to audit by the Accountant General;

(iii) If the Government or the authority authorised under Rule 6 considers that the local authority has failed to comply with any of the conditions prescribed in respect of the loan or with any of the requirements of these rules it shall be lawful for them to order that no further payments shall be made on account of such loan and that any amount advanced with interest thereon shall be repaid immediately.

16. Control and inspection of works and accounts.— The Government shall make such provisions as they may deem necessary–

(a) for ascertaining and securing that the money borrowed is duly applied to the purpose for which it has been borrowed, and that the unexpended balance of the loan is not employed otherwise than in accordance with these rules.

(b) Where the loan is taken for any of the purposes specified in Clauses (i), (ii), (iii), or (iv) of sub-section (1) of Section 3 of the Act for the proper inspection of the work to be carried out:

Provided that every such work and the accounts connected therewith shall be open at all times to the inspection of—

(1) the officers of the Engineering Departments of the Government not below the rank of an Executive Engineer exercising jurisdiction over the area in which the work is executed;

(2) any person who may be authorised to inspect the accounts of the local authority, and

(3) any other person specially authorised by the Government in this behalf.

17. Procedure on attachment.— When the Government decide to attach any funds under Section 4 or under Section 6 of the Act, the following procedure shall be observed, namely:—

(a) the Government shall issue a notice to the local authority prohibiting the collection or management of such funds by the local authority, and vesting the administration thereof in such officer as the Government may appoint. The Government shall cause such notice to be published in the Government Gazette, and in such other manner as it may deem fit within the local limits of the area subject to the control of the local authority;

(b) the officer appointed by the Government under Section 4 or under Section 6 of the Act

shall pay the moneys collected or received under such attachment to the lender, or in the case of a Government loan, into the Government Treasury;

(c) the said officer shall, prepare the accounts of money so collected and of the cost of collection in such form as the Government may, from time to time, direct. He shall deliver a copy of the accounts to the local authority and shall cause a copy to be published in the Gazette.

18. Procedure in respect of unexpended balances of loans.— If, on the completion of the work or the closing of the account of the transaction for which a local authority has borrowed money, the Government is satisfied that the whole of the money has not been spent on the purpose of which it was borrowed it shall proceed as follows, namely:—

(a) in the case of a Government loan - The Government shall direct that the unexpended balance shall be forthwith repaid to the Government, and the principal of the debt reduced by an equivalent amount. The Government may direct such variation as it may consider necessary on this account in the instalments fixed for the liquidation of the loan.

(b) In the case of a non-Government loan - the Government may direct that the unexpended balance shall be utilised in the reduction in any way of the debt of the local authority.

19. Interest on Government loans.—(1) In the case of Government loans interest shall be charged, at the rate agreed upon yearly or half-yearly, as the Government may determine and shall be reckoned and paid on each instalment from the date on which such instalment is received by the local authority.

(2) The Government may, if they think fit, direct that compound interest at a rate not less than 7½ per cent per annum shall be paid upon all overdue instalments of interest or principal and interest.

20. Repayment of Government loans.— The local authority may, at any time, repay the whole or any part of a Government loan in advance of the period fixed by the conditions of the loan.

21 Accounts of Government loans.—The accounts of every Government loan shall be kept by the Accountant General.

22. Sinking fund for non-Government loans.— If a loan is not repayable by annuities or annual drawings, the local authority shall establish a sinking fund in the following manner, namely:-

(1) it shall pay out of its income, yearly or half yearly into such fund, a sum which, accumulating at such rate of compound interest as the Government may fix, will be sufficient to secure the liquidation of the loan within the term fixed for its repayment;

(2) it shall make the first of such payments within one year from the date of taking or raising the loan unless the sanctioning authority otherwise directs; and

(3) it shall submit the accounts of its sinking fund annually to the Examiner of Local Fund Accounts and shall at once make good from its income any amount by which he may certify that the fund is deficient, unless the Government sanctions gradual readjustment.

Explanatory Note

(This note is not part of these Rules but is intended to indicate their general purport).

Section 8 of the Kerala local Authorities Loans Act, 1963 requires that the Government may, by notification in the Gazette make rules to carry out the purposes of the Act. The above rules are intended to regulate the raising of loans by Local Authorities.

APPENDIX I

Application for Loan

[*See* Rule 6]

1. Purpose of the loan.
2. The amount proposed to be borrowed.

3. If the amount is for any remunerative work the probable return from the same per annum after its execution.

4. The fund or the portion of the fund on the security of which it is proposed to borrow.

5. The law under which the said fund is levied, received or held.

6. The date within which the money is to be borrowed.

7. The rate of interest at which the money is to be borrowed.

8. The term of years for which the money is to be borrowed and the method by which it is to be repaid.

9. Account of the financial position of the Municipality.

10. A statement of the prior loans outstanding, repayment and the method of their repayment.

APPENDIX II

Application For Permission to Guarantee Interest

(*See* Rule 7)

1. Purpose for which the payment of interest is to be guaranteed.

2. Cost of the work or the expenditure to be incurred for the purpose and probable amount as interest to be guaranteed.

3. Whether the interest is to be guaranteed severally or in conjunction with any other local authority.

4. If in conjunction with any other local authority, the name of the local authority concerned.

5. The probable return that may be received by the local authority on the completion of the work, if it is a remunerative one.

6. The fund or the portion of the fund on the security of which the interest is to be guaranteed.

7. The law under which the said fund is levied, received or held.

8. The date within which the interest is to be guaranteed.

9. The rate of interest to be guaranteed.

10. The term of the years for which the guarantee has to be given.

11. Account of the financial position of the Municipality.

12. A statement of the prior loans outstanding repayment and the method of their repayment.

APPENDIX III

THIS AGREEMENT is executed on this ..... day of Two Thousand ..... Between (H.E. the name of the local authority) (hereinafter called "the Borrower") of the one part and the Government of Kerala (hereinafter called "the Government") of the other part;

Whereas on the application of the borrower, the Government have sanctioned a loan of Rs..... in G.O..... dated ..... under the Kerala Local Authorities Loans Act, 1963 (hereinafter referred to as the said Act) for the purpose of..... (H.E. the purpose) subject to the terms and conditions contained in the said Act and in the Kerala Local Authorities Loans Rules, 1965 (hereinafter referred to as the "said Rules") and those hereinafter contained to which the borrower has agreed;

Whereas the said borrowing has been duly authorised by Resolution No..... dated..... passed at a duly authorised meeting of the Borrower held on.....

Now These presents witness and it is hereby agreed as follows:—

1. The loan amount of Rs..... under this agreement shall be secured on the funds of the Borrower.

2. The loan shall bear interest at the rate of..... per cent per annum from the date of

disbursement of the loan. In case the borrower commit default in payment of any instalment compound interest at the rate of ..... percent per annum shall be paid on the instalment thus defaulted. Notwithstanding the above condition the local authority shall be liable to pay interest and penal interest at the rates that may be fixed by the Government from time to time.

3. The loan amount with interest thereon shall be paid in ..... equated instalments the first instalment being payable on completion of one year from the date of disbursement of the loan and the subsequent instalments shall be paid on the corresponding dates of the succeeding years.

4. The loan amount shall be utilised by the Borrower only for the purpose of..... and for no other purpose.

5. The Borrower shall forthwith pay to the Government the unexpended portion if any, of the loan amount and the loan shall be reduced by an equivalent amount.

6. The Borrower shall not before the repayment of the loan amount in full, create any charge on the fund of the Borrower without the previous sanction in writing of the Government.

7. The Borrower shall furnish to the Examiner of Local Fund Accounts, the Accountant General, and any other person authorised by Government the information which they may require regarding its fund and the utilisation of the loan amount.

8. On breach of all or any of the terms and conditions herein contained, the whole amount then outstanding together with interest thereon shall immediately be repaid to the Government in a lump.

9. In case the Borrower commits default in repayment of any of the instalments of the loan amount or interest on due dates the Government shall be competent to attach the funds of the Borrower on which the loan has been secured, under Section 5 of the said Act.

10. The Borrower agrees that all sums found due to the Government under or by virtue of this agreement shall be recovered from the properties movable and immovable of the Borrower, as if they are arrears of Land Revenue under the provisions of the Revenue Recovery Act for the time being in force and in such other manner as the Government may deem fit.

In witness whereof Shri ..... for and on behalf of the Borrower and Shri..... for and on behalf of the Government have hereunto set their hands the day and year first above written.

Signed by Shri ..... In the presence of witnesses.

1.

2.

Signed by Shri ..... In the presence of witnesses.

1.

2.

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APPENDIX II 316

*THE KERALA PLACES OF PUBLIC RESORT ACT, 1963

(Act 40 of 1963 as amended by Act 21 of 1975 & Act 16 of 2000)

An Act to unify and amend the law relating to the licensing and inspection of places of public resort or entertainment in the State of Kerala.

Preamble.– Whereas it is expedient to unify and amend the law relating to the licensing and inspection of places of public resort or entertainment in the State of Kerala;

Be it enacted in the Fourteenth Year of the Republic of India as follows:—

1. Short title, commencement, extent and application.— (1) This Act may be called the Kerala Places of Public Resort Act, 1963.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.[1]

(3) It extends to the whole of the State of Kerala:

Provided that the Government may in public interest exempt any area from the operation of this Act by notification in the Gazette.

[2][(4) Nothing in this Act shall apply to any place licensed for purposes of cinematograph exhibition under the Kerala Cinemas (Regulation) Act, 1958 (32 of 1958), or to any temple, church, mosque or other place of public worship or to any building belonging to or under the control of the State or Central Government].

2. Definitions.— In this Act, unless the context otherwise requires-

(a) "building" includes any house, hut, shed or roofed enclosure;

(b) "place of public resort or entertainment" shall mean any place, enclosure, building, tent, booth or other erection whether permanent or temporary, where music, singing, dancing, or any diversion or game or the means of carrying on the same is provided, and to which public are admitted either on payment of money or with the intention that money may be collected from those admitted, otherwise than for *bonafide* charitable or religious purpose, and shall include a race-course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium and fencing school.

3. No enclosed place or building with area of fifty square metres to be used for public resort or entertainment without a licence.— No enclosed place or building, whether permanent or temporary, having an area of fifty square metres or upwards, shall be used for public resort or entertainment, unless a licence has been previously obtained in the manner hereinafter provided.

4. Application for licence.— When any person desires to obtain a licence to use any enclosed place or building as a place of public resort or entertainment or to construct any enclosure or building for such purpose, he shall send an application to the authority specified in Section 5, setting forth the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or proposed to be permanent or temporary and the purposes for which it is proposed to be used.

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* Published in Kerala Gazette Extraordinary No. 131 dt. 21-11-1963.

1. Came into force on 1-8-1965. See Gazette of 20-7-1965, SRO 291/65.
2. Substituted by Act 21 of 1975 Published in Kerala Gazette Extraordinary No. 368 dt. 5-7-1975.

[3][**5. Authority to whom application should be made.**— An application under Section 4 shall be made to the Secretary of the Municipality or the Village Panchayat as the case may be.]

6. Procedure on receipt of application.— Upon the receipt of any such application the authority to whom it is made shall inspect the place or building in respect of which a licence is required and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein and may refuse to grant a licence until the alteration or addition is made.

7. Grant of licence.— (1) If the authority is satisfied

(a) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed;

(b) that no objection arising from its situation, ownership, possession or the purpose proposed exists,

he shall give the applicant a written licence, signed by him specifying the enclosure or building and the purpose for which it is to be used. Such licence shall be in such form and subject to the payment of such fee and conditions as the Government may from time to time by rule direct.

(2) If the authority is not satisfied as aforesaid he may refuse to grant a licence, recording his reasons for refusal in writing.

8. Licence to state period for which it is to be in force.— Every licence granted under this Act shall state the period for which it is to continue in force and shall cease to be in force on the expiration of that period.

9. Renewal of licence.— (1) A licence granted under Section 7 may be renewed on an application by the licensee presented within such time before the expiry of the licence, as may be prescribed. The provisions of Sections 4, 5, 6, 7 and 8 shall, as far as may be, apply in relation to the renewal of licence as they apply in relation to the grant of a licence.

(2) If an application for renewal of a licence has been presented within the time prescribed under sub-section (1) and no order refusing renewal has been communicated to the applicant before the expiry of the term of the licence the applicant shall, notwithstanding such expiry, be deemed to have a valid licence till orders are received by him on his application for renewal.

10. Revocation or suspension of licence.— (1) Any authority granting a licence under this Act may for reasons recorded in writing, revoke or suspend the same when he has reason to believe,—

(a) that the licence has been fraudulently obtained; or

(b) that the enclosed place or building has been used for any purpose other than those for which the licence was granted; or

(c) that the place or building can no longer be safely used for the purpose for which the licence was granted; or

(d) that any condition of the licence has been contravened:

Provided that no licence shall be revoked or suspended without the licensee being given a reasonable opportunity of showing cause against the proposed action.

(2) A person whose licence is revoked or suspended under sub-section (1) shall not be entitled to the refund of any fee paid in respect of such licence or for any compensation in respect of any loss sustained by such revocation or suspension.

11. Appeals.— (1) Any person aggrieved may appeal from any order passed under Sections 6, 7, 8, or 10.

(2) The appeal shall be preferred within thirty days of the date on which the order was communicated.

[3][(3) The appeal shall lie to the council of the municipality or, as the case may be, the Village Panchayat concerned.]

3. Section 5 substituted by Kerala Decentralisation of Powers Act, 2000, (16 of 2000) Published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(4) The provisions of Section 5 of the Indian Limitation Act, 1908 shall apply to the appeals under this section.

(5) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under Section 5, and may either grant or withhold the licence or make such other order as he thinks fit.

12. Power to enter place of public resort or entertainment to inspect licence or prevent further use.— The licensing authority or any person authorised by him in writing may enter at any time any enclosure or building for which licence is required under this Act, inspect the licence if any has been issued, and if there is no licence, or if the conditions of the licence are not observed, prevent the further use of such enclosure or building as a place of public resort or entertainment.

13. The [4][Appellate Tribunals constituted under section 271S of the Kerala Panchayat Raj Act, 1994 (13 of 1994)] may revise any proceedings under Act.— The [4][Appellate Tribunals constituted under section 271S of the Kerala Panchayat Raj Act, 1994 (13 of 1994)] may call for and examine the record of any proceeding taken under this Act, may call for any report in connection therewith, make or cause to be made any further enquiry, and may, after notice to parties affected and hearing them pass any order which the authority holding the proceeding might have passed:

Provided that the [4][Appellate Tribunals constituted under section 271S of the Kerala Panchayat Raj Act, 1994 (13 of 1994)] shall not exercise the powers under this section in respect of a proceeding from which an appeal is pending before the appellate authority under Section 11.

14. Prohibition of smoking in certain places where entertainments are held.— No person shall in any enclosed place or building used as a place of public resort or entertainment during the prohibited period as defined in sub-section (2) smoke —

(a) on the stage except in so far as smoking may be part of the entertainment, or

(b) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public:

Provided that the State Government may, by notification in the Gazette, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), prohibited period means so much of the period commencing thirty minutes before the beginning of the entertainment and pending with the termination thereof, as may fall within the hours which the State Government may, by notification in the Gazette, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any Police Officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.

15. Protection of action taken under the Act.— No suit, prosecution or legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

16. Penalties.— (1) Every person who, having the immediate control of any enclosed place or building, uses or permits it to be used as a place of public resort or entertainment without having obtained a licence, or, having obtained a licence under this Act uses or permits such use in contravention of any of the conditions of such licence shall be liable, on conviction before a Magistrate, to fine which may extend to [4][two thousand and five hundred rupees.]

(2) Any fine imposed by a Magistrate under sub-section (1) shall be recoverable by such Magistrate under the Code of Criminal Procedure, 1898 and the same shall on recovery be paid over to the authority mentioned in Section 5.

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4. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

(3) Whenever any person is convicted of an offence in respect of the failure to obtain a licence in accordance with this Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the authority mentioned in Section 5, the amount of fee chargeable for the licence in accordance with the rules for the time being in force, and may in his discretion also recover summarily, and pay over to the said authority such amount, if any, as he may fix as the costs of the prosecution.

(4) Notwithstanding anything contained in the foregoing provisions, the licensing authority or any person authorised by him shall be competent to seal any place of public resort or entertainment and prevent the further use of the place for such purpose if he is satisfied that the place of public resort or entertainment is used or proposed to be used in contravention of any of the provisions of this Act or rules made thereunder:

Provided that before taking action under this sub-section, the licensing authority or any person authorised by him shall give to the person against whom action is proposed to be taken an opportunity to show cause within twenty-four hours of the intimation thereof why such action should not be taken.

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

17. Duties of Police Officer.— (1) It shall be the duty of every police officer,–

(a) to communicate without delay to the licensing authority any information which he receives of the design to commit or of the commission of any offence under this Act or any rule made under it; and

(b) to assist the licensing authority or any officer authorised by him reasonably demanding his aid for the lawful exercise of any power vesting in such authority or officer under this Act or any rule made under it.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this section shall be deemed to have committed an offence under Section 41 of the Kerala Police Act, 1960 (Act 5 of 1961).

18. Exercise of powers of Police Officers by municipal servant.— The Government may empower any officer or servant of a local authority to exercise the powers of a police officer for the purposes of this Act.

19. Power to make rules.— (1) The Government may, make rules, to carry out all or any of the purposes of this Act.

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

20. Repeal.— The Madras Places of Public Resort Act, 1888 (Act II of 1888) as in force in the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) and the Travancore-Cochin Places of Public Resort Act, 1951 (Act VIII of 1951) are hereby repealed.

21. Power to remove difficulties.— If any difficulty arises in relation to the transition from the provisions of any of the repealed enactments or in giving effect to the provisions of this Act the Government may, by order, as occasion requires, do anything not inconsistent with the provisions of this Act which appears to them, to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

5. Inserted by ibid

*THE KERALA PLACES OF PUBLIC RESORT RULES, 1965

G.O. Ms. 590/65/HLD. Dt: 8-7-1965

S.R.O. No. 292/65.— In exercise of the powers conferred by sub-section (1) of Section 7 and Section 19 of the Kerala Places of Public Resort Act, 1963 (Act 40 of 1963), the Government of Kerala hereby make the following rules:—

RULES

PART I

1. Short title and commencement.— (1) These rules may be called the Kerala Places of Public Resort Rules, 1965.

(2) They shall come into force with effect from 1-8-1965.

2. Definitions.— In these rules, unless the context otherwise requires—

(i) "the Act" means the Kerala Places of Public Resort Act, 1963 (Act 40 of 1963);

(ii) "Health Officer" means in the case of Municipal Corporations and Municipalities the Health Officer of the Municipal Corporation or of the Municipality concerned and in the case of a Township or a Panchayat area such Officer of the Health Services Department having jurisdiction over the area as may be specified by the Director of Health Services.

(iii) "Licensing Authority" means the authority competent to grant a licence under the Act.

(iv) "Permanent building" means a building which is constructed for permanent use with stone, mud, brick, mortar, cement or other non-inflammable materials.

Explanation:— (a) Where the floor, roof, side-walls, galleries and stair case of a building are made of non-inflammable materials the building shall, for the purpose of these rules be deemed to be a permanent building.

(b) A Cinema installation which is deemed to be a permanent one under Rule 59 (e) of the Kerala Cinema (Regulations) Rules, 1958 as republished in the Kerala Gazette dated 11-12-1962 shall be deemed to be a permanent building for the purpose of these rules.

(v) "Prescribed" means prescribed by the order of the Licensing Authority and (vi) "Temporary building" means building which is not a permanent building.

PART II

Permanent Buildings

3. Conditions under which licence may be granted.— No licence shall be granted under the Act for the use of any permanent building for public resort or entertainment unless,—

(a) the building is provided on at least three of its sides with an open space of not less than 6 metres in width or such greater width as may be required by the Licensing Authority.

(b) the caves of the building have a height of not less than 3 metres.

(c) every door-way in the building is not less than 2.4 metres in height and 1.5 metres in width and.

(d) the windows of the building are of such dimension and number and in such situations as may be required by the Licensing Authority and the aggregate area of all the windows in each of the places to which the public are admitted is not less than one-tenth of the floor area thereof:

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* Published in Kerala Gazette No. 28 dt. 20-7-1965.

Provided that the Licensing Authority in consultation with the Health Officer, may–

(i) permit the use of extractors or other artificial means of ventilation to provide for a sufficient supply of fresh air in the building in lieu of all or any of the windows required under Clause (d); or

(ii) require such extractors or other artificial means of ventilation to be provided in addition to the windows required under the said clause.

4. Obligation of the licensee to keep all means of ventilation in good order.— Every person who may have obtained a licence under the Act for the use of any permanent building for public resort or entertainment shall cause all windows and other means of ventilation in the building to be maintained in good order and efficient action during the period for which such building is used for public resort or entertainment and for at least two hours before and for half an hour after such use.

5. Licensing authority's power to relax conditions.— The Licensing Authority may relax the conditions in Rules 3 and 4 on the recommendation of the Health Officer.

6. Obligation of the licensee to provide lighting arrangements.— The licensee shall, except when such building is used in day time and no artificial lighting is required, provide suitable lighting therein and in the open space attached thereto.

7. Licensees' obligation to keep the flooring in good order.— The licensee shall cause the flooring of every part of such building to be paved or otherwise made impervious and damp-free and shall keep such flooring at all times in good order and repair and shall disinfect the building and premises at such times and in such manner as may be prescribed.

8. Licensee not to permit any sand etc. to be spread on any part of the floor to which public are admitted.— The licensee shall not permit any sand, earth or other dusty material to be spread on any part of the floor of the building to which the public are admitted.

9. Material used as covering for the floor to be cleaned.— The licensee shall cause the carpets, matting or any other material used as covering for the floor to be cleaned and dusted before the commencement of every entertainment.

10. Open spaces in the licensed premises to be paved or gravelled.— The licensee shall cause all open spaces in the licensed premises to be paved or gravelled to the satisfaction of the licensing authority.

11. Limit on the accommodation of persons.— (i) The licensee shall not permit a greater number of persons to be accommodated in a building than that arrived at by calculating at the rate of 20 persons per 10 sq. metres of floor area in respect of such portions as are provided with chairs having backs and arms and at the rate of 25 persons per 10 sq. metres of floor area in respect of other portions after excluding the area of the entrances, the passages and gangways, the stage, the stair-cases and all places to which the public are not admitted.

(ii) The licensee shall cause a board to be hung in a prominent place in the licensed premises showing the maximum number of persons who can be accommodated in the building under this rule.

12. Provision of separate accommodation for women.— The licensee shall provide reasonably sufficient separate accommodation for women.

13. Walls of the building to be hot-lime washed or painted.— The licensee shall cause the walls of the building to be hot-lime washed at least once in every six months or to be painted annually if not otherwise prescribed.

14. Cleaning of licensed premises.— The licensee shall cause the premises to be thoroughly cleaned and all refuse matter to be removed at least once in every 24 hours, or more often if so prescribed.

15. Provision of drainage and sanitary conveniences.— The licensee shall provide suitable means of drainage to the building and also sanitary conveniences of such description and

design as may be prescribed on the recommendation of the Health Officer for the exclusive use of each sex according to the scale shown in Appendix I and shall cause the same to be maintained in good order and sanitary condition.

16. Providing of water supply.— The licensee shall where a continuous supply of pipe-water is available, provide such number of water taps and in such places as may be prescribed on the recommendation of the Health Officer.

17. Providing of drinking water in places where pipe-water is not available.— The licensee shall where a continuous supply of pipe-water is not available, provide drinking water in such places, in such manner and in such quantity as may be prescribed on the recommendation of the Health Officer.

18. Providing of spittoons.— The licensee shall provide spittoons of such description, in such numbers and in such places as may be prescribed on the recommendation of the Health Officer and the spittoons shall be well washed with such disinfectants as may be prescribed.

PART III

Temporary Buildings And Enclosures

19. Conditions under which licence may be granted.— No licence shall be granted under the Act for the use of any temporary building for public resort or entertainment unless:—

(a) the building is provided on all its sides with an open space which in no part thereof shall be less than 45 metres in width:

Provided that the licensing authority with the sanction of Government or any Officer authorised by Government in this behalf may grant a licence for any such building with an open space of not less than six metres in width and in the case of buildings constructed as theatres even with less open space in fit cases;

(b) the caves of the building have a height of not less than 2.5 metres; and

(c) every door-way in the building is not less than 2 metres in height and 1.5 metres in width.

20. Providing of means of ventilation.— Every person who may have obtained a licence under the Act for the use of any temporary building or any enclosed place for public resort or entertainment shall provide suitable means of ventilation for such building or place and shall cause the same to be maintained to the satisfaction of the licensing authority. He shall also, except when such building or place is used in day-time and no artificial lighting required, provide suitable lighting therein.

21. Maintenance of sanitary condition in the licensed premises.— The licensee shall cause every part of such building or place to be maintained in proper sanitary condition.

22. Limit on the number of persons to be admitted in the premises.— The licensee shall not permit a greater number of persons to be accommodated in the building than that arrived at by calculating at the rate of 25 persons per 10 sq. metres of floor area after excluding the area of the entrances, the passages and gangways, the stage, the stair-cases and all places to which the public are not admitted.

23. Providing of sanitary conveniences.— The licensee shall provide sanitary conveniences as may be prescribed by the licensing authority on the recommendation of the Health Officer for the exclusive use of each sex according to the scale laid down in Appendix I and shall cause the same to be maintained in good and sanitary condition.

24. Providing of drinking water facilities.— The licensee shall provide a sufficient supply of wholesome drinking water for the use of persons employed in or frequenting such building or place in such manner and in such quantity as may be prescribed by the licensing authority.

25. Restrictions on the affixture of light etc.— The licensee shall not permit or suffer:

(a) any light to be affixed to the side walls or posts of such building or place;

(b) any light to be placed within 1.50 metres of the walls or roof of such building or place;

(c) any fire-work to be ignited by his servants within 90 metres of any part of the outer walls of such building or place; and

(d) smoking within such building or place.

PART IV

Permanent and Temporary Building or Enclosures

26. Annual and temporary licences.— (1) Licences granted under the Act shall be either annual or temporary.

(2) Temporary licences may be granted:—

(a) in the case of a building or enclosure used for a travelling circus or show, for a period not exceeding one week at a time; and

(b) in other cases for a period not exceeding three months at a time.

(3) Annual licences shall be granted only in respect of permanent buildings provided that, for reasons to be recorded in writing, the licensing authority may grant a licence so as to be valid for a period of less than one year, in which case he shall collect only the proportionate licence fee. Temporary licences may also be granted in respect of such buildings if they are required only for occasional use as places of public resort or entertainment.

(4) Temporary licences only may be granted in respect of temporary buildings.

(5) In respect of walled enclosures which have no roof or super structure either annual or temporary licences may be granted.

(6) Any licence granted may from time to time be renewed at the discretion of the licensing authority:—

(a) in the case of an annual licence for further period of one year at a time; and

(b) in the case of temporary licence for such further periods as the licensing authority may think fit, but not exceeding at a time the period specified in Clause (a) or Clause (b) of sub-rule (2) as the case may be.

(7) In the case of a travelling circus or show referred to in Clause (a) of sub-rule (2) the period for which a licence is in force shall not except with the special sanction of Government exceed three months in the aggregate within any continuous period of twelve months.

(8) The grant of an annual licence in respect of any building or enclosure shall not be deemed to authorise the use of such building for a travelling circus or show. In such cases, a separate temporary licence shall be obtained in accordance with the provisions of this rule for the use of such building or enclosure for such circus or show.

(9) The licensing authority shall communicate to the local police station and the Tahsildar concerned a copy of every temporary licence issued under the Act.

27. Power of licensing authority to prohibit the use of any building for public resort during epidemic.— In the event of an outbreak of an epidemic or contagious disease in the locality, the licensing authority may by order direct that any building or enclosed place in respect of which a licence has been granted under the Act, shall not be used for purposes of public resort or entertainment for such period as may be specified in the order, if in his opinion or in the opinion of the Health Officer such use is likely to spread the epidemic or contagious disease.

***[28. Scale of fees chargeable on licences.**— (i) For every licence granted or renewed under the Act there shall be charged, unless exempted by the Government, a fee according to the following scale, namely:-

(a) For the grant or renewal of licence for one year in respect of a permanent building

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* Rule 28 Substituted as per S.R.O. No.59/69 in Gazette of 11-2-1969. Original Rule 28 was declared *ultra vires* by the High Court as it was a delegation by delegatee in O.P. 2498/65 and 3047/66.

within the Corporations, Townships and Municipalities a fee of Rupees 75 for an area of 100 sq. metres or less with an additional fee of Rupees 37.50 for every 50 sq. metres or fraction thereof in excess of the first 100 sq. metres.

(b) For the grant or renewal of licence for one year in respect of a permanent building within a Panchayat area, a fee of Rupees 20 for an area of 100 sq. metres or less with an additional fee of Rupees 10 for every 50 sq. metres or fraction thereof in excess of the first 100 sq. metres.

(ii) (a) For the grant or renewal of temporary licence in respect of a permanent building within the Corporations, Townships and Municipalities a fee of Rupees 20 per mensem or Rupees 2 per day for an area of 100 sq. metres or less with an additional fee of Rupees 7.50 per mensem or Rupees 1 per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(b) For the grant or renewal of a temporary licence in respect of a permanent building within a Panchayat area, a fee of Rupees 6 per mensem or Rupees 1 per day for an area of 100 sq. metres or less with an additional fee of Rupees 3 per mensem or 50 Paise per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(iii) (a) For the grant or renewal of a temporary licence in respect of a temporary building within the Corporations, Townships and the Municipalities Rupees 75 per mensem or Rupees 2 per day for an area of 100 sq. metres or less with an additional fee of Rupees 37.50 per mensem or Rupees 1 per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(b) For the grant or renewal of a temporary licence in respect of a temporary building within a Panchayat area Rupees 20 per mensem or Rupees 1 per day for an area of 100 sq. metres or less with an additional fee of Rupees 10 per mensem or 50 Paise per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(iv) (a) For the grant or renewal of a licence for an enclosure without any roof or super-structure within the Corporations, Townships and Municipalities for one year Rupees 75 for an area of 100 sq. metres or less with an additional fee of Rupees 7.50 for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(b) For the grant or renewal of a licence for an enclosure without any roof or superstructure within a Panchayat area for one year Rupees 7.50 for an area of 100 sq. metres or less with an additional fee of Rupees 3.75 for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(v) (a) For the grant or renewal of a temporary licence for an enclosure without any roof or superstructure within the Corporations, Townships and the Municipalities Rupees 7.50 per mensem or Rupees 2 per day for an area of 100 sq. metres or less with an additional fee of Rupees 3.75 per mensem or Rupees 1 per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

(b) For the grant or renewal of a temporary licence for an enclosure without any roof or superstructure within a Panchayat area, Rupees 3.50 per mensem or Rupees 1 per day for an area of 100 sq. metres or less with an additional fee of Rupees 1.75 per mensem or 50 Paise per day for every 50 sq. metres or fraction thereof in excess of 100 sq. metres.

The fee for a temporary licence shall be leviable at three-fourth of the above rates where the building or enclosure is used only during day time without lights.

(vi) Notwithstanding anything contained in Clauses (ii), (iii) or (v) no fee shall be charged for the renewal of a temporary licence granted for a period not exceeding one week under Clause (a) of sub-rule (2) of Rule 26 provided that the total period of such licence including periods of renewal does not exceed one month at a time.

(vii) The licensing authority shall fix the licence fee under Clauses (i), (ii) and (iii) with the previous approval of the local authority concerned.

Explanation:— For the purpose of this rule, the area on which the fees shall be charged shall be–

(a) in the case of a permanent building the area of the main structure and other structure

excluding the entrances, passages, stage, stair-cases and all spaces to which the public are not admitted, and

(b) in the case of a temporary building, the whole area of the enclosure after excluding the open space actually provided under Rule 19 (a) or under the proviso thereto, as the case may be.

(viii) The licence granted or renewed under this Act shall not be transferred except with the previous permission of the licensing authority and for each such transfer there shall be charged a fee of five rupees.]

29. Fees not chargeable.— Notwithstanding anything contained in Rule 28 no fee shall be chargeable for a licence granted in respect of any building or enclosed place used for the following classes of entertainments namely:—

(a) entertainment, the proceeds of which are utilised for the purpose of philanthropic, religious or charitable purposes.

(b) entertainments which are of wholly educational character.

(c) entertainments which are provided for purposes which are partly educational, cultural or scientific by institutions not conducted or established for profit.

(d) entertainments which are provided by institutions not conducted for profit and established solely for the purposes of promoting the public health or the interest of agriculture or of a manufacturing industry and consists solely of exhibitions of articles which are of material interest in connection with questions relating to public health or agriculture or of the product of the industry for promoting the interest of which the institutions exist or of the materials, machinery, appliances or foodstuff used in the production of those products.

(e) entertainments organised in aid of any National Fund, and

(f) any other class of entertainments which the Government may specify by general or special order.

30. Conditions on which licence may be granted.— (1) No licence shall be granted in respect of any building or enclosed place unless the provisions of sub-rules (2) to (5) of this rule are complied with.

(2) Such building or place shall have at least two main exits of not less than 2.4 metres in height and 1.75 metres in width. Where these exits are enclosed by doors, the door shall be so made as to open outwards. Such exits shall be so arranged that they can be pushed open easily and at once from inside.

(3) When the area of such building or enclosed place exceeds 100 sq. metres at least one additional special exit per 50 sq. metres of additional space shall be provided in the exterior walls of such building or place at suitable distances. Each of such special exits shall be not less than 2.4 metres in height and 1.75 metres in width. Such special exits may be closed whilst such building or place is being used as a place of public resort but the means adopted for using them in cases of emergency shall be specified in the licence.

(4) Each of such exits shall be indicated by a board with the word "EXIT" clearly painted upon it in English and in Malayalam in large and legible letters.

(5) Sufficient provision shall be made for preventing and extinguishing fire which may occur in or upon such building or place and such provision shall be specified in column (9) of the licence. A supply of not less than 25 litres of water per 10 sq. metres of area in the case of a permanent building or enclosed place shall be provided and kept stored in buckets in readiness along with the walls of such building or place. In the case of temporary buildings, the supply of water shall be not less than 50 litres per 10 sq. metres of area and shall be stored in buckets in readiness, one half within and the other half without the exterior walls of the building:

Provided that where any building or enclosed place by reason of its construction and disposition so requires, the licensing authority may grant for such building or place a licence with

such modifications in regard to the storing of water and the disposal of the water stored, for combating fire, as may be deemed sufficient and suitable.

31. Form of licence.— Every licence granted under the Act shall be in the Form in Appendix II.

32. Time within which applications for licence to be made.— Any person requiring a licence shall apply to the licensing authority at least twentyone days prior to the date on which the entertainment is to take place and in the case of special temporary short term licences at least 10 days prior to such date.

33. Time within which application for renewal of licence to be presented.— An application for renewal of a licence under Section 9 of the Act shall be presented by the licensee within twenty-one days before the expiry of the licence and in case of special temporary short term licences at least seven days prior to the date of expiry of the licence.

34. Additional conditions for grant of licence.— Every licence granted under the Act shall be subject to the following additional conditions:—

(i) No fire or naked light shall, under any circumstance, be allowed inside the licensed premises.

(ii) All swinging lights shall be suspended by metal wires or rods.

(iii) No inflammable or explosive substance such as petroleum, kerosene oil, fire works, or gun powder in excess of the quantity, required for one day's use shall be stored upon or within the licensed premises.

(iv) The main doors, enumerated in column (4) of the licence shall always be left unfastened and unobstructed whilst the public are using the licensed premises.

(v) No structural or material alteration shall be made in the licensed premises except with the written permission of the licensing authority.

(vi) No leper and no person suffering from an open sore or any loathsome, infectious or contagious disease shall be permitted inside the licensed premises. If such a person is found in any such premises, the licensee shall immediately report the fact to the nearest Health Officer, Health Inspector or other Officer not below the rank of a Health Assistant of the Health Services Department or to the licensing authority and the licensee shall at his own cost take such steps as may be required by such officer or authority to disinfect the place and to prevent the further spread of the infection.

(vii) The licensed premises shall not be kept open after 2 a.m. without special permission from the licensing authority.

(viii) The licensing authority or any subordinate Officer duly authorised by the Licensing Authority, Officers of the State Government exercising control or supervision over the local authority, the Health Officer, the Health Inspector, the Health Assistant having jurisdiction over the area, and any Police Officer specially deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises to see whether the conditions of the licence are fulfilled.

(ix) The licensing authority may add such other conditions not inconsistent with these rules to the licence as he may deem desirable in the interest of health and safety of the public.

35. Printing of the conditions in the licence.— Section 9 of the Act and Rules 4 to 18, 20 to 25 and 34 shall be printed at the foot of the licence granted.

36. Crediting of fines, etc., to the local authority.— All fines, licence fee and cost of prosecutions, if any, realised by the Magistrate in accordance with the provisions in Section 16 of the Act shall be credited to Government in the first instance and shall be disbursed to the concerned local authorities prosecuting the case on the basis of the yearly statement furnished by the Registrar, High Court of Judicature, Government of Kerala.

APPENDIX I

[*See* Rule 15]

Scale of Sanitary Accommodation to be provided:—

Men :

Urinals - For Every 50 persons one set having at least 10 stalls.

Latrines - For every 100 persons one set having seating accommodation for at least five persons.

Women : Same scale as for men.

APPENDIX II

[*See* Rule 31]

Form of Licence

Name of applicant and place of abode	Name of the owner of the place or building	Situation of the place or building	Size and description with number of main doors	Material of which the roof and exclosures are made or proposed to be made	Whether the licence is annual or temporary	Purpose for which the place or building is proposed to be used	Whether the premises are to be used during the day/ or/and during the night	Provisions for preventing and extinguishing fire	Special conditions (if any) on which the licence is granted	Period for which licence is to continue in force	Fees paid
1	2	3	4	5	6	7	8	9	10	11	12

Any authority granting a licence under this Act, may for reasons recorded in writing, revoke or suspend the same when he has reason to believe,

(a) that the licence has been fraudulently obtained;

(b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the licence was granted;

(c) that the place or building can no longer be safely used for purposes for which the licence was granted.

(Signature)

(Authority granting licence)

(Signed) Seal (Designation)

Explanatory Note

(This note is not part of the rules but is intended to indicate their general purport)

Section 19 (1) of the Kerala Places of Public Resort Act, 1963 provides for the issue of rules by the Government to carry out the purposes of the Act. The above Rules are intended to regulate the licensing of places of public resort under the said Act.

THE KERALA PARKS, PLAY-FIELDS AND OPEN SPACES (PRESERVATION AND REGULATION) ACT, 1968

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*THE KERALA PARKS, PLAY-FIELDS AND OPEN SPACES (PRESERVATION AND REGULATION) ACT, 1968

[ACT 2 of 1969 as amended by Act 16 of 2000]

An Act to provide for the preservation and regulation of parks, play- fields and open spaces in the State of Kerala

Preamble.— Whereas it is expedient to provide for the preservation and regulation of parks, play-fields and open spaces in the State of Kerala;

Be it enacted in the Nineteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1968.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

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

[2][(5) x x x x].

2. Definitions.— In this Act, unless the context otherwise requires,—

[1][(a) "Executive Authority" means the Secretary of the municipality or the village panchayat as the case may be;]

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

(b) "open space" means any land, whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purposes of recreation, air or light;

(c) "park" means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings and the whole or the remainder of which is laid out as a garden with trees, plants or flower-beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;

(d) "play-field" means a piece of land adapted for the purposes of play, game or sport and used by any school or college or club or other associations.

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* Published in Gazette Extra. No. 17 dated 20-1-1969. Received the assent of the Governor on 18-1-1969.

1. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
2. Omitted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
3. Inserted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

3. Preparation and submission of list of parks, play-fields and open spaces by executive authorities.— (1) The executive authority of every local authority shall, not later than six months from the date on which this Act comes into force in the area within the jurisdiction of the local authority, prepare and submit for the approval of the local authority a correct and complete list with plans and maps of all the parks, play-fields and open spaces in such area.

(2) The list referred to in sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) The local authority shall, as soon as may be after the receipt of the list and other documents referred to in sub-section (1), publish the list in the prescribed manner, and such publication shall state at what place and time the maps, plans and documents aforesaid will be available to the public for inspection.

4. Approval and publication of list by local authority and Government.— (1) Any person interested may submit his objections and suggestions in writing in respect of anything contained in, or relating to, the list referred to in section 3, to the local authority within three months of the date of publication of the list under sub-section (3) of that section.

(2) The local authority may, after considering the objections and suggestions, if any, received under sub-section (1) and after making such further inquiry as it thinks fit, approve the list with or without modifications.

(3) The approval of the local authority to the list under sub-section (2) shall be published in the prescribed manner and such publication shall contain the list and shall also state at what place and time the particulars relating to the matters mentioned in the list will be available to the public for inspection.

(4) Any person who has any objection to the list approved by the local authority may, within such time as may be prescribed, prefer an appeal [4][to the Appellate Tribunal constituted under section 271S of the Kerala Panchayat Raj Act, 1994.]

(5) On such appeal the [4][the Appellate Tribunal] shall call for the records of the case from the local authority and after giving the parties concerned an opportunity of being heard and if necessary, after making such further inquiry as they may deem fit revise the list with such modification as may be deemed necessary.

[4][(6) The Appellate Tribunal shall cause the list as received under sub-section (5) to be published in the Gazette.]

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

(2) Before making any such addition, variation or revocation, the [4][local authority] shall publish in the prescribed manner a draft of such addition, variation or revocation together with a notice specifying a date on or after which such draft will be taken into consideration, and shall consider any objection or suggestion which may be received in respect of such draft from [5][x x] any person interested before the date so specified.

(3) The [4][local authority] shall after considering the objections and suggestions, if any, received within the period referred to in sub-section (2) publish the addition, variation or revocation in the prescribed manner, and the addition, variation or revocation shall take effect on such publication.

[4][(4) The Government shall have power to add to the list only after consulting the local authority]:

Provided that it shall not be necessary to consult the local authority in cases where such addition, variation or revocation is made at the instance of the local authority.

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4. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.
5. Omitted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

6. Prohibition of the use of parks, play-fields and open spaces in certain cases.— No park, play-field or open space specified in the list published under section 4 shall, except with the previous sanction of the executive authority, be used for any purpose other than the purpose or purposes for which it was used prior to the date on which this Act was made applicable to the local authority concerned if the use of such park, play-field or open space, is temporary for a period of less than one month or with the permission of the local authority concerned if such use is for a period of more than one month at a time:

Provided that no such sanction or permission shall be necessary in respect of any park, play-field or open space belonging to the Government.

7. Maintenance of parks, play-fields and open spaces.— The local authority shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or vested in it and included in the list published under section 4.

8. Prohibition of construction of buildings, etc.— No person shall except with the previous sanction of the Government, construct any building or put up any structure likely to affect the utility of, or make any encroachment in or over, any park, play-field or open space specified in the list published under section 4.

9. Obligation of owners of parks and play-fields.— (1) In the case of a park or play-field not vested in a local authority but included in the list published under section 4 or varied under section 5, the executive authority may, by notice, require the owner or the person or authority in occupation of such park or play-field–

(a) to maintain such park or play-field in a clean and proper condition; or

(b) to remove or alter any projection or obstruction in or over any such park or play-field or to execute such repairs to any building in such park or play-field as the executive authority may consider necessary, within a date specified in the notice.

(2) If the owner or the person or authority in occupation fails to comply with the notice under sub-section (1), the executive authority shall himself arrange—

(a) to maintain such park or play-field in a clean and proper condition: or

(b) to remove or alter the projection or obstruction; or

(c) to execute such repairs as he may consider necessary and the cost of such maintenance, removal, alteration or repairs shall be recoverable from the owner or the person or authority in occupation, in such manner as may be prescribed.

(3) Any dispute as to the amount of the cost recoverable under sub-section (2) shall be decided by the Government and their decision shall be final.

(4) The executive authority may, instead of or in addition to taking action as indicated in sub-section (2), proceed to acquire the land under the Kerala Land Acquisition Act, 1961 (21 of 1962), for the purpose of the effective management of the land as a park or play-field.

(5) Any owner or any person or authority in occupation of a play-field desiring to convert the play-field to any use other than as a play-field may give notice to the person or authority managing the affairs of any educational institution or other duly constituted public body which uses the play-field or to the local authority within whose jurisdiction the play-field is situated to purchase his or its rights in the play-field and if such person, authority, public body or local authority does not agree to purchase his or its rights, he or it may after the expiry of a reasonable period which shall be not less than six months after the date of the notice, put it to such use as he or it desires.

10. Submission of annual return.— (1) The executive authority shall submit to the Government in such form and containing such particulars as may be prescribed, an annual return in respect of the parks, play-fields and open spaces which are situated within the limits of the local authority concerned and which are specified in the list published under section 4.

(2) The return referred to in sub-section (1) shall also contain a list of the parks or play-fields in respect of which action was taken under sub-section (2) of section 9 together with particulars as

regards the nature of the action taken in respect of them and the steps taken in regard to their proper maintenance.

11. Removal of unauthorised persons.— If any person enters and remains in any park, play-field or open space belonging to or vested in the Government or a local authority in contravention of any rules prescribed in this behalf by the local authority, he may, without prejudice to any other proceedings that may be taken against him, be removed from such park, play-field or open space by any police officer or any other person acting on behalf of the local authority or the executive authority.

12. Penalties.— Whoever throws any rubbish into any park, play-field or open space specified in the list published under section 4 or gets over the railings or fence of any such park, play-field or open space or steals or damages the fruits, plants, grass or any other thing whatsoever therein or commits any nuisance therein shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees.

13. [6][Role of Government.]— (1) If the Government are satisfied after giving the executive authority an opportunity of explanation, that the executive authority of the local authority has failed to enforce effectively the provisions of this Act or to execute any work which under this Act the executive authority is required to execute, the Government may order the local authority to do all things necessary for enforcing the provisions of this Act effectively or for executing any work which under this Act the executive authority is required to execute.

(2) For the purposes of this section, the Government shall have the same powers of calling for records, of causing inspection to be made and of enforcing their orders by appointing persons to enforce them, as they have under [6][sections 188 and 194 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or sections 56 and 61 of the Kerala Municipality Act, 1994 (20 of 1994)].

14. Power to make rules.— (1) The Government may, by notification in the Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) controlling or, regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, parks, play- fields and open spaces;

(b) restricting or prohibiting the admission of animals or any class of animals to any park, play-field or open space;

(c) the procedure to be followed under sub-section (5) of section 9;

(d) the time within which the annual return under section 10 shall be submitted to the Government;

(e) removing from any park, play-field or open space any person who is therein in contravention of any order or direction of the executive authority or any person authorised under section 11;

(f) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made, every notification issued and every list of parks, play-fields and open spaces published under this Act shall be laid as soon as may be after it is made, issued or published before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule, notification or list or decides that the rule, notification or list should not be made, issued or published, the rule, notification or list shall thereafter have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or list.

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6. Substituted by Kerala Decentralisation of Powers Act, (Act 16 of 2000) published in Kerala Gazette Extraordinary No. 869 dt. 12-5-2000.

THE KERALA PUBLIC BUILDINGS (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1968

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*THE KERALA PUBLIC BUILDINGS (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1968

(Act 25 of 1968 as amended by Act 16 of 2000)

An Act to provide for the eviction of unauthorised occupants from public buildings and for matters connected there with.

Preamble.— Whereas it is expedient to provide for the eviction of unauthorised occupants from public buildings and for matters connected therewith;

Be it enacted in the Nineteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint

2. Definitions.— In this Act unless the context otherwise requires,—

(a) [1]["company" means a company in which not less than fifty-one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala and includes a company which is a subsidiary of any such company;]

(aa) [1]["corporation" means a corporation established or constituted by the or under any central or State Act and owned or controlled by the Government of Kerala;]

[1A][(aaa) "estate officer" means an officer appointed as such by the Government under section 3;]

[2][(b) "Local authority" means a panchayat at any level constituted under the Kerala Panchayat Raj Act, 1994 or a municipality constituted under the Kerala Municipality Act, 1994 or any other authority, by whatever name called, constituted under any law for the time being in force for the development of any local area;]

(c) "prescribed" means prescribed by rules made under this Act;

(d) "public building" means any building or part of a building belonging to, or taken on lease or requisitioned by, or on behalf of, the Government or a local authority [1] [or a company or a corporation] and includes—

(i) the garden, grounds and outhouses, if any appertaining to such building or part of a building; [3][x x x]

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof [4][and]

(iii) [4][all buildings, whether residential or non residential irrespective of categories or types, constructed by individuals or co-operative societies or other institutions with the aid of any loan from the Government;]

(e) "rent", in relation to any public building, means the consideration payable periodically for the authorised occupation of the building, and includes—

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* Published in the Gazette Extraordinary No. 234 dt. 24-9-1968.
1. Inserted by Act 19 of 1986.
1A. Re-lettered by ibid
2. Substituted by Act 16 of 2000.
3. Omitted by Act 16 of 1975
4. Inserted by Act 16 of 1975.

(i) any charge for electricity, water or any other services in connection with the occupation of the building,

(ii) any tax (by whatever name called) payable in respect of the building, where such charge or tax is payable by the Government or the local authority, as the case may be;

(f) "unauthorised occupation" in relation to any public building, means the occupation by any person of the building without authority for such occupation and includes the continuance in occupation by any person of the public building after the authority (whether by way of lease or any other mode of transfer) under which he was allowed to occupy the building has expired or has been determined for any reason whatsoever.

3. Appointment of estate officers.— The Government may, by notification in the Gazette,—

(a) appoint such persons, being Gazetted Officers of Government below the rank of District Collector, as they think fit, to be estate officers for the purposes of this Act:

[5]["Provided that–

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

(ii) in the case of a company or a corporation, an officer of that company or corporation not below the rank of a Deputy Director of the industries Department, nominated by that company or corporation shall be appointed as estate officer;"]

(b) define the local limits within which, or the categories of public buildings in respect of which, the estate officers shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under this Act.

4. Issue of notice to show cause against order of eviction.— (1) If the estate Officer is of opinion that any persons are in unauthorised occupation of any public building and that they should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall—

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interests in, the public building, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The estate officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public building, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the estate officer knows or has reason to believe that any persons are in occupation of the public building, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

5. Eviction of unauthorised occupants.— (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by such person in support of the same and after giving him a reasonable opportunity of being heard, the estate officer is satisfied that the building is in unauthorised occupation, the estate officer may, on a date to be fixed for the purpose, make an order of eviction, for reason to be recorded therein, directing that the public building shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be published by affixing it on the outer door or some other conspicuous part of the public building.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the

5. Substituted by ibid.
6. Substituted by Act 16 of 2000.

date of its publication under sub-section (1), the estate officer or any other officer duly authorised by him in this behalf may evict that person from, and take possession of, the public building and may, for that purpose, use such force as may be necessary.

6. Disposal of property left in public building by unauthorised occupants.— (1) Where any persons have been evicted from any public building under section 5, the estate officer may, after giving fourteen days' notice to the persons from whom possession of the public building has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public action any property left by such persons in such building.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the Government or the local authority, [7][or the company or the corporation], as the case may be, on account of rent payable in respect of the public building or damages payable under sub-section (2) of section 8 or costs awarded under sub-section (5) of section 10, be paid to such person or persons as may appear to the estate officer to be entitled to the same:

Provided that where the estate officer is unable to decide as to the person or persons to whom the balance of the amounts is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

7. Liability of unauthorised occupant to pay damages.— Any person who is, or has at any time been, in unauthorised occupation of any public building, shall be liable to pay for the whole period of such occupation, such damages on account of the use and occupation of such building as may be assessed by the estate officer having regard to such principles of assessment of damages as may be prescribed.

8. Power to recover rent and damages in respect of public buildings.— (1) Where any person is in arrears of rent payable in respect of any public building, the estate officer may, by order, require that person to pay such damages within such time and in such installments as may be specified in the order.

(2) Where any person is liable to pay damages under section 7, the estate officer may, by order require that person to pay such damages within such time and in such installments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence produced by him in support of the same, have been considered by the estate officer.

9. Power of estate Officers.— An estate officer shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

10. Appeals.— (1) An appeal shall lie from any order of the estate officer made in respect of any public building under section 5 or section 8 to the Collector of the District in which the public building is situate.

(2) An appeal under sub-section (1) shall be preferred,—

(a) in the case of an appeal from an order under section 5, within fifteen days from the date of publication of the order under sub-section (1) of that section; and

(b) in the case of an appeal from any order under section 8, within fifteen days from the date on which the order is communicated to the appellant;

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7. Inserted by Act 19 of 1986.

(3) Where an appeal is preferred from an order of the estate officer, the District collector may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the District Collector as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the District Collector.

(6) The appellate authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of document;

(c) any other matter which may be prescribed.

11. Power to obtain information.— If the estate officer has reason to believe that any persons are in unauthorised occupation of any public building, the estate officer or any other officer authorised by him in this behalf may require those persons, or any other person who, he has reason to believe, is in possession of information relating to the names and other particulars of the persons in occupation of the public building, to furnish such information within such time as may be specified in the requisition, and every person so required shall be bound to furnish the information in his possession accordingly.

12. Liability of heirs and legal representatives.— (1) Where any person against whom any proceeding for—

(a) the determination of arrears of rent; or

(b) the assessment of damages, is to be, or has been taken under this Act, dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the Government [8][or a local authority or a company or a corporation"], as the case may be, from any person whether by way of arrears of rent, damages or costs shall, after the death of that person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

13. Recovery of rent, etc., as arrears of public revenue due on land.— If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 8 or the damages payable under sub-section (2) of that section or costs awarded to the Government [8][or a local authority or a company or a corporation"], as the case may be, under sub-section (5) of section 10, or any portion of such rent, damages or costs, within the time, if any, specified therefor in the order relating thereto, the estate officer may issue a certificate for the amount due to the Collector of the District in which the public building is situate, who shall thereupon proceed to recover the same as arrears of public revenue due on land.

14. Further mode of recovery.— If the person refusing or failing to pay any of the amounts referred to in section 13 is in receipt of any salary, the estate officer may, notwithstanding the issue of a certificate to the Collector under the said section, require any person paying the salary to deduct from any payment of salary subsequent to the date of such requisition any such amount or any portion thereof as may be specified in the requisition and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Government [9][or the company or the corporation] as the case may be:

Provided that any part of the salary exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908), shall be exempted from any requisition made under this section.

Explanation:— For the purposes of this section, "Salary" includes,—

(i) Wages

(ii) Any annuity or pension;

8. Substituted by Act 19 of 1986.

(iii) Any gratuity;

(iv) Any fees, commissions, honoraria or profits in lieu of or in addition to any salary or wages; and

(v) Any advance of salary.

15. Finality of orders.— Save as otherwise expressly provided in this Act, every order made by an estate officer or appellate officer under this Act shall be final and shall not be called in question in any suit, application or execution proceeding, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

16. Offences and penalties.— (1) If any person who has been evicted from any public building under this Act again occupies the building without authority for such occupation he shall 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.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

(3) If a person fails without reasonable cause or excuse to deduct and pay any amount as required under section 14, he shall be punishable with fine which may extend to ten rupees for every day during which the default continues.

(4) A person shall not be proceeded against for an offence under sub-section (3) except at the instance of the Collector of the district in which the public building is situated.

(5) The Collector may either before or after the institution of proceedings compound the offence referred to in sub-section (3).

17. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against the Government [9][or a company or a corporation] or the appellate authority or the estate officer or any other officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

18. Power to make rules.— (1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served;

(b) the holding of inquiries under this Act;

(c) the distribution and allocation of work to estate officers and the transfer of any proceedings pending before an estate officer to another estate officer;

(d) the procedure to be followed in taking possession of public buildings;

(e) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;

(f) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(g) any other matter which has to be or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of forteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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9. Inserted by Act 19 of 1986.

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*THE KERALA TOLLS ACT, 1976

ACT 6 of 1977

(Amended by Acts 34 of 1986, 5 of 1990, 16 of 2000 & 4 of 2004)

An Act provide for the levy of tolls in respects of certain bridges in the State of Kerala.

Preamble.— Whereas it is expedient to provide for the levy of tolls in respect of certain bridges in the State of Kerala;

Be it enacted in the Twenty-seventh Year of the Republic of India as follows:–

1. Short title, extent and commencement.— (1) This Act may be called in Kerala Tolls Act, 1976.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,–

(a) "bridge" means any bridge on a highway, but does not include a bridge the cost of construction of which (including the cost of construction of the approach roads necessary for connecting the bridge to the highway) is less than [1][one hundred lakhs rupees;]

[2][(aa) "company" means a company in which not less than fifty one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala and includes a company which is a subsidiary of any such company;]

[2][(aaa) "corporation" means a corporation established or constituted by or under a Central or State Act and owned or controlled by the Government of Kerala;]

(b) "highway" means any road or way over which the public have a right of way, or are granted access, but does not include any highway declared to be a national highway under the National Highways Act, 1956 (Central Act 48 of 1956);

(c) "motor vehicle" means any mechanically propelled vehicle [1][other than a two wheeler or an ambulance] adapted for use upon roads, whether the power of propulsion is transmitted there to from any external or internal source, and includes a chassis to which a body has not been attached and a trailer;

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

(d) "owner" means, where the person in possession of a vehicle is a minor, the guardian of such minor and in relation to a vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "toll" means the toll levied under this Act.

3. Levy of toll.— (1) The Government may levy a toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the Government and declared open for traffic after the [4][1st day of July 1983]:

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* Published in Kerala Gazette Extraordinary No. 49 dt. 25-1-1977.

1. Inserted by Act 4 of 2004.
2. Inserted by Act 34 of 1986.
3. Inserted by Act 16 of 2000.
4. Substituted by 34 of 1986.

[5][Provided that if the Government are of opinion that it is necessary in the public interest so to do, they may, by notification in the Gazette, specify any bridge in respect of which no toll shall be leviable under this sub-section.]

(2) The toll shall be levied at such rate and for such period as the Government may, by notification in the Gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the Government, or such portion there of as may be decided by the Government, together with interest at such rate as they may fix.

(3) The Government may place the collection of the toll under the management of such person as may appear to them proper; and all persons employed in the management and collection of the toll shall be liable to the same responsibilities as would belong to them if employed in the collection of basic tax.

Explanation:— In this sub-section [6][and in sub-section (4) of Section 3A] 'basic tax' means the basic tax payable under the Kerala Land Tax Act, 1961 (13 of 1961).

(4) The Government may farm out the collection of the toll and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect the toll under this Act.

[7][**3A. Levy of toll by company or corporation.**— (1) A company or a corporation may levy a toll on every motor vehicle entering a bridge constructed by it at the instance of the Government utilising wholly or partly its own fund or funds raised by it by loans from financial institutions, and declared open for traffic after the commencement of the Kerala Tolls (Amendment) Act, 1986.

(2) The toll under sub-section (1) shall be levied at such rate and for such period as the Government may, by notification in the gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the company or the corporation, or such portion thereof as may be decided by the Government, together with interest and other overhead charges, at such rates as they may fix.

(3) The toll leviable under this section shall be collected by the company or the corporation, as the case may be, in such manner and in accordance with such rules as may be prescribed.

(4) Any person employed in the management an collection of toll under this section shall be liable to the same responsibilities as would belong to him if employed in the collection of basic tax.

(5) The proceeds of the toll collected by a company or a corporation under this section shall be utilised,–

(a) for recouping any amount spent by such company or corporation from its own funds and interest thereon;

(b) for repayment of the principal amount of any loan obtained by such company or corporation from any financial institution for the purpose of constructing the bridge in respect of which the toll is levied and the interest thereon; and

(c) for meeting the expenses of collection and recovery of the toll and other overhead charges as may be determined by the Government.

(6) The Company or the corporation, as the case may be, shall furnish to the Government or to such officer or authority as may be specified by the Government in this behalf, accounts regarding the levy and collection of tolls and the utilisation thereof, in such manner, at such intervals and in such form as may be prescribed.

(7) Where the Government have expended any amount on the construction of a bridge in respect of which tolls is leviable under this section, toll may be levied by the Government under Section 3 after the expiry of the period of collection of toll under this section.]

[8][**3AA. Levy of Toll by local authorities.**— (1) Notwithstanding anything contained in section 3 or section 3A, a local authority may levy a toll on every motor vehicle entering a bridge

5. Proviso added by ibid.
6. Inserted by ibid.
7. Section 3A inserted by ibid.
8. Section 3AA inserted by Act 16 of 2000.

constructed by it on any road or land vested in it utilising wholly or partly its own funds or funds raised by it by loans from financial institutions, and declared open for traffic on or after 1st day of April 2000.

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

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

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

[9][**3B. Levy of toll when there are more than one bridge within a radius of fifteen kilometres.**— Notwithstanding anything contained in Section 3 or Section 3A, if there are more than one bridge within a radius of fifteen kilometres toll for the passage of a motor vehicle shall be levied only at the first of such bridges.]

4. Recovery of toll.— (1) Where any toll is not paid on demand, the officer appointed to collect the same seize any motor vehicle on which it is chargeable or any goods carried by such motor vehicle and if the toll remains unpaid for twenty-four hours with the cost arising from such seizure, the case shall be brought before an officer appointed by the Government by notification in the Gazette to superintend the collection of the toll.

(2) Where a case is brought before an officer under sub-section (1), he may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale of the property in public auction, and any balance that may remain after such discharge shall be returned on demand to the owner of the motor vehicle or goods, as the case may be:

Provided that if at any time before the sale has actually begun, the person whose property has been seized tenders the amount of all the expenses incurred and double the toll payable by him, the property seized shall forthwith be released.

[10][**5. Exemption.**— No toll shall be payable for the passage of–

(a) any motor vehicle belonging to the Government of Kerala or the Government of India; and

(b) any stage carriage operated by the Kerala State Road Transport Corporation.]

6. Assistance by police officers.— All police officers shall be bound to assist the toll collectors. When required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

7. Power to compound tolls.— Any person entrusted with the management and collection of the toll may compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any motor vehicle kept by him, in lieu of the rates of toll authorised to be levied under this Act, subject to such conditions and restrictions as may be prescribed.

8. Penalties.— (1) Every person, other than any person appointed to collect toll, who levies or demands any toll on any bridge shall, on conviction by a Magistrate, be liable to imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Every person who unlawfully demands or takes any other or higher toll than the lawful toll, or under the colour of this Act seize or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person under colour of this Act, shall, on conviction by a Magistrate, be liable to imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(3) Whoever—

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9. Section 3B inserted by Act 5 of 1990.
10. Substituted by ibid.

(a) attempts to cross any bridge without paying the toll payable by him under this Act; or

(b) obstructs any officer or other person in the discharge of his duties imposed by or under this Act, shall, on conviction by a Magistrate, be liable to a fine which may extend to one hundred rupees.

(4) No Magistrate shall take cognisance of any offence under this Act except on a complaint in writing made by an officer authorised by the Government in this behalf.

9. Exhibition of table of tolls and statement of penalties.— A table of the tolls authorised to be taken in respect of a bridge shall be put upon a conspicuous place near the entrance to such bridge legibly written or printed in English words and figures and also in those of the regional language.

10. Bar to proceedings.— No suit, prosecution or other legal proceeding shall be against any officer or other person for anything which is in good faith done or intended to be done under this Act.

11. Power to make rules.— (1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) determination of the rate of levy of the toll;

(b) method of collection of the toll;

(c) any other matter which has to be, or may be, prescribed

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly for a period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session or in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Establishment of [11][Bridges Fund] and its utilisation.— (1) On the commencement of this Act, there shall be established a fund to be called the Kerala State [11][Bridges Fund] (hereinafter in this section referred to as the [11][Bridges Fund]).

(2) The proceeds of the toll levied and collected under this Act, [12][by the Government] together with the fines, interest and fees recovered thereunder shall first be credited to the Consolidated Fund of the State and, after deducting the expenses of collection and recovery as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be entered into and transferred to the [11][Bridges Fund].

(3) Any amount transferred to the [11][Bridges Fund] shall be charged on the Consolidated Fund of the State.

(4) No sum shall be paid or applied from and out of the [11][Bridges Fund] Except in the manner and for the purpose provided in sub-sections (5) and (6).

(5) The amount standing to the credit of the [11][Bridges Fund] shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of constructing bridges. [13][x x x]

(6) The [11][Bridges Fund] shall be held and administered on behalf of the Government by the Chief Engineer in charge of roads and bridges in the State subject to such general or special direction as may be given by the Government from time to time.

13. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

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11. For the words "Bridges and Roads Fund" substituted by Act 34 of 1986.
12. Inserted by Ibid
13. Omitted by ibid.

*THE KERALA TOLLS LEVY RULES, 1983

S.R.O. No. 914/83.— In exercise of the powers conferred by section 11 of the Kerala Tolls Act, 1976 (6 of 1977), the Government of Kerala hereby make the following Rules, namely–

1. Short title and commencement.— (1) These rules may be called the Kerala Tolls Levy Rules, 1983.

(2) They shall come into force on the 22nd day of July, 1983.

2. Definition.— In these rules unless the context otherwise requires—

(a) "Act" means the Kerala Tolls Act, 1976 (6 of 1977);

(b) "Form" means a form appended to these rules;

(c) "Officer" means the officer authorised by Government under sub-rule (1) of rule 4 to collect the toll.

3. Rules of toll and its payment.— (1) There shall be levied and paid to the Assistant Engineer on behalf of the Government of Kerala, or to any other person entrusted with the collection of toll on behalf of the Government, toll on motor vehicles other than those belonging to the Government of Kerala or Government of India for entering a bridge at the rates specified in the Schedule to these rules.

(2) If the same vehicle has to use the bridge continuously and frequently for a long period, the owner shall have the option to compound the toll for periods for one month or above, but not exceeding one year on payment of an amount equal to one and a half times the respective rates for single entry per day for the periods for which the toll is compounded. Application for compounding shall be submitted in Form 'A' to the Assistant Engineer or to the contractor entrusted with the collection of tolls in advance of the period of compounding mentioned above. In such cases a pass shall be issued in form 'B'.

(3) Toll shall be levied till the cost of the construction of the bridge with simple interest at 9% is recovered. When recovery is completed in respect of a bridge and a report from the Chief Engineer, Buildings & Roads is received to that effect, the Government may, by notification in the Gazette, withdraw further levy of toll on that bridge with effect from such date as may be specified in such notification.

4. Procedure for Collection/Realisation of Amount, Handling etc.— (1) All tolls levied under these rules shall be collected departmentally by an officer authorised by the Government in this behalf or through private contractors on the basis of competitive bidding on behalf of the government of Kerala. For this purpose, necessary arrangements shall be made by the Public Works Department for putting up adequate number of collection booths, operated manually or by automatic arrangements or by combination of both, as may be considered suitable by the Assistant Engineer, including improvement and widening of approach roads to serve the collection booths so set up.

(2) There shall be provided at either end of the bridge, a cross bar for securing the stoppage of motor vehicles.

(3) The Officer authorised under sub-rule (1) or the private contractor shall ensure at the cross bar that passage is not allowed to motor vehicles unless the toll leviable in respect thereof has been paid.

(4) The provisions in the Kerala Public Works Department Code and the Kerala Financial

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* Published in Kerala Gazette Extraordinary No. 780 dt. 22-7-1983 as SRO 914/83, w.e.f. 22-7-1983.

Code shall mutatis mutandis apply for the collections of toll through private contractors on the basis of competitive bidding under sub-rule (1).

5. Mode of collection of toll.— (1) Every driver, owner or person in charge of a motor vehicle other than a person who has obtained a pass under Sub-rule (2) of rule 3, required to pay toll under these rules shall, before crossing bridge or after having crossed it, stop his vehicle at the cross bar, go to the toll collection booth to pay the toll leviable in respect of the vehicle and obtain from the Officer or other person in charge of toll collection a receipt in Form 'C' in token of having paid the toll before he is allowed to proceed further.

(2) The Officer or other person in charge of the toll collection shall, on receipt of the toll specified in the schedule, fill up a receipt in Form 'C' with counterfoil and deliver a copy thereof to the driver, owner or the person in charge of the vehicle in respect of which the toll has been paid and retain in the counterfoil in his office. The vehicle shall be allowed to go ahead of the cross bar only after the toll has been paid and receipt issued under these rules.

(3) Where, and if, found necessary, the Executive Engineer/Assistant Engineer may also set up counter checking booths. For this purpose, where such a booth has been set up at some location considered suitable beyond a toll collection booth, after the motor vehicle has crossed the bridge and also paid the prescribed toll, the officer in charge on counter checking duty at the counter checking booth shall ensure that the motor vehicle is allowed to pass from the counter checking cross bar only after verifying or checking the copies of the receipt for payment of the toll or the pass issued under Sub-rule (2) of rule 3, from the driver, owner or person in charge of the vehicle.

6. Remittance of Toll Collected.— (1) The Officer in charge of the Toll Collection shall be responsible for the collection and safe custody of the amounts collected towards toll during the period of his duty and shall not leave his booth till his reliever takes over charge from him.

(2) The Officer in charge of the Toll Collection shall maintain a cash register in Form 'D' and keep it posted up-to-date.

(3) The Officer in charge of the Toll Collection shall at the end of the period of his duty, hand over the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the cash register.

(4) Every day, the Officer in charge of the toll collection shall hand over the entire amount of toll collected during the proceeding 24 hours to the Assistant Engineer in charge of the bridge after obtaining his signature in the relevant column of the cash register.

(5) The Assistant Engineer shall keep the amounts of Collection received from the Officer in charge of the Toll Collection in the chest provided for the purpose at his office.

(6) The Assistant Engineer shall, on every Friday or if it happens to be a holiday on the next working day or whenever the balance exceeds five hundred rupees, remit the amount received by him under sub-rule (5), in the treasury by chalan and forward the chalans and remittance statement to the Assistant Executive Engineer.

(7) The Assistant Engineer shall maintain a register in Form 'E', showing the remittance made into the treasury and shall keep the register posted up-to-date.

(8) The Assistant Engineer shall exercise supervision and control over the staff posted at the bridge in connection with the collection of the tolls and over the maintenance of proper accounts and records by such staff.

(9) The Assistant Executive Engineer, in charge of the road on which the bridge is situated, shall check the collection and remittance of tolls in accordance with these rules by paying surprise visits at least once in a fortnight at the offices of the Officer in charge of the Toll Collection and the Assistant Engineer, concerned. He shall countersign the cash register maintained by the Officer in charge of the Toll Collection and Assistant Engineer, concerned, in token of such a check having been made. Such visits shall also be undertaken by the Executive Engineers concerned, at least once in a month.

7. Submission of Returns.— (1) The Executive Engineer in charge of the bridge shall furnish to the Chief Engineer in charge of Bridges and Roads, every quarter, in the 2nd week of July, October, January and April,–

(a) A consolidated reconciled statement showing month-wise amount collected and remitted on account of toll proceeds together with the fines, interest and fees received thereunder in respect of each bridge along with the details of the number and date of chalan with which the said amounts were remitted, and

(b) A break-up of the month-wise expenditure incurred on each bridge by the Assistant Engineer required to be deducted towards collection charges of the tolls on the basis of actual expenditure incurred.

(2) The Chief Engineer in charged of Bridges and Roads shall forward a reconciled consolidated statement to the Accountant General every quarter before the end of July, October, January and April.

8. Furnishing of Security.— The Officers in charge of toll collection and the Assistant Engineer concerned shall furnish security covered by Fidelity Insurance as provided under article 286 of the Kerala Financial Code.

9. Credit of the proceeds of the Tolls and its Utilisation.— (1) The amount to be allocated from the Consolidated Fund of the State by Government to the Bridges and Roads Fund shall be equal to the amount of tolls, together with fines, interest and fees recovered under the Act and these Rules reduced by 12% of the total collection towards collection charges within the State. The amount standing to the credit of the Fund shall be allocated by the Government for construction of new bridges which shall be liable for levy of tolls under these rules, and are included in the Budget Estimate of the State with prior approval of the Government to be financed from the Fund.

(2) The proceeds of the tolls remaining unutilised at the end of the financial year shall not lapse at the close of that financial year but shall be available for being utilised during subsequent year or years against individual works to be approved by the Government.

10. Appointment of other Officers for Collection of Tolls etc.— Notwithstanding anything contained in these rules Government may appoint any other Officer(s) to collect the tolls and or to check the working of the collection booths.

THE SCHEDULE

[*See* rule 3(1)]

Toll chargeable in respect of Motor Vehicles entering bridges costing not less than Rupees 35 lakhs on high ways completed/ to be completed and opened to traffic in regard to vehicles other than vehicles belonging to the Government of Kerala or the Government of India.

Sl. No.	Particulars of vehicle	Toll for bridges costing not less than Rs.15 lakhs and up to Rs. 50 lakhs	Toll for bridges costing more than Rs. 50 lakhs and up to Rs. 100 lakhs	Toll for bridges costing more than Rs. 100 lakhs.
		Rs.	Rs.	Rs.
1.	Motor Cycle, Scooter or any other two wheeled Motor Vehicles and Autorick-shaws	0.50	0.50	0.50
2.	(a) Motor Car, Taxi, Jeep, Pick up Van and other light motor vehicles without			

	trailer (b) With trailer	2.00 3.00	2.00 3.00	2.00 3.00
3.	Buses and Lorries laden with or without passengers/ goods or not, chassis with or without body, Tractor, and Tractor Trailer combination.	6.00	8.00	10.00
4.	Other vehicles not mentioned above like mobile cranes, dozers, earth movers, road rollers etc.	6.00	8.00	10.00

Note:– Toll rates are different in different areas.

FORM 'A'

[*See* rule 3 (2)]

To

The Assistant Engineer/Contractor.....

1. Name and address of Applicant :
2. Description of Motor Vehicle with Registration Number :
3. Period for which remittance is prepared :
4. The name of the bridge in respect of which the remittance is prepared :
5. Date of application :
6. Signature of the applicant :

For office use only

No. and date of pass issued with period. :

Signature of Officer/Person-in-charge.

FORM 'B'

[See rule 3 (2)]

Form of pass to be issued for compounding

1. Name of the Bridge :
2. Description of Motor vehicle with Registration Number :
3. Date of remittance and amount remitted :
4. Period for which remittance made. :

Signature of Officer/Person-in-charge.

FORM 'C'

[*See* rule 5(1)]

Receipt for Payment of Toll

R.No. :

Name of Bridge(s) :

(1) Description of Motor Vehicle with Registration No. :

(2) Time and date. :
(3) Amount of toll paid. :

Signature of Officer/person-in-charge.

FORM 'D'

[*See* rule 6 (2)]

Cash Register

Sl No	Date	Type of vehicle	Registration No.	No. of receipt by which toll paid	Amount of toll paid	Progressive figures of toll Paid	Signature of Officer-in-charge	Signature of Successor Officer-in-charge	Signature of Asst. Engineer	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM 'E'

[*See* rule 6 (7)]

Register Showing Records of Toll Collection and Remittance on Account of Toll Collected on Bridges for .....Year

Sl No.	Name of the Asst. Engineer	Amount received by the Asst. Engineer	Date of receipt	No. & date of the Chalan	Name of the Treasury	Amount of remittance	Progressive Total	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Explanatory Note

(This is not part of the notification but is intended to indicate the general purport).

As per section II of the Kerala Tolls Act, 1976 (6 of 1977), the Government have been authorised to make rules for the purpose of carrying into effect the provisions of the said Act and hence these rules.

THE KERALA TAX ON EMPLOYMENT ACT, 1976

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THE KERALA TAX ON EMPLOYMENT ACT, 1976

(Act 14 of 1976 as amended by Act 16 of 1977)

An Act to provide for the levy of a tax on employment

Preamble:— Whereas it is expedient to provide for the levy of a tax on employment;

Be it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Tax on Employment Act, 1976.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,–

(a) "appellate authority" means an appellate authority appointed under section 3;

(b) the expressions "appoint", "appointment", "lodging house", "residence" and "reside" shall have the meanings respectively assigned to them in the Kerala Municipalities Act, 1960 (14 of 1961);

(c) "assessee" means a person by whom the tax on employment or any other sum of money is payable under this Act and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of the tax on employment payable by him;

(d) "assessing authority" means the assessing authority appointed under section 3;

(e) "company" means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), and includes a foreign company within the meaning of section 591 of that Act and a co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force, whether its principal place of business is situated in the State or not;

[1][(ee) "employer" in relation to an employee earning any salary or wages under him, means the person who is responsible for the disbursement of such salary or wages and includes the head of office of an establishment as well as the manager or agent to the employer;]

(f) "employment" includes self-employment;

(g) "local authority" means a municipal corporation or a municipal council or a township committee or a panchayat;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "State" means the State of Kerala;

(j) the expression "transacts business" shall be deemed to include the doing of acts of business of whatever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders or buying, making, manufacturing, exporting, importing, recovering, transmitting or otherwise dealing with goods;

(k) "year" means the financial year.

3. Authorities.— (1) The Government may, by notification in the Gazette, appoint such officers as they think fit to be assessing authorities for the purpose of this Act and may assign to them such local limits as the Government may think fit.

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1. Clause (ee) inserted by Act 16 of 1977.

(2) The Government may, by notification in the Gazette, appoint such officers as they think fit to be appellate authorities for the purposes of this Act and may assign to them such local limits as the Government may think fit.

(3) All officers and other persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board of Revenue: Provided that no such orders, instructions or directions shall be given so as to interfere with the discretion of the appellate authority in the exercise of its appellate function.

4. Charge of tax.— (1) Subject to the other provisions contained in this Act, there shall be charged on every person who exercises a profession, art or calling or transacts business or holds any appointment, public or private, within the State, a half-yearly tax (hereinafter referred to as tax on employment) at the rate specified in the Schedule.

Explanation:— A person shall be deemed to have exercised a profession, art or calling or held an appointment within the State, if that person has an office or place of employment within the State.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax on employment.

(3) Where, for the purpose of transacting business within the State, a person has an office or has an agent or firm to represent him, such person shall be deemed to transact business within the State, whether or not such office, agent or firm has power to make binding contracts on behalf of such person, and the person in charge of such office or the agent or the firm, as the case may be, shall be liable to the tax payable by the first mentioned person.

(4) A person otherwise liable to the tax on employment shall not cease to be liable to that tax by reason only of his head office or the place from which his business is controlled being situated outside the State or by reason only of the fact that his transactions are closed outside the State.

Explanation:– For the purpose of this section, "aggregate income" shall not include overtime wages or local allowances or allowances for house rent, carriage hire or travelling expenses or pension.

[2]**[5. Employer's liability to deduct and pay tax on employment on behalf of the employees.**— The tax on employment payable by any person earning a salary or wage shall be deducted by his employer from the salary or wage payable to that person before such salary or wage is paid to him, and such employer shall, irrespective of whether such deduction has been made or not before the salary or wage is paid to such person, be liable to pay the tax on employment on behalf of such person:

Provided that, where the employer is an officer of Government the Government may, notwithstanding anything contained in this Act, prescribed the manner in which such employer shall deduct and remit the tax on employment payable by the persons of whom he is the employer.

6. Registration and enrolment.— (1) Every employer (not being an officer of Government) liable to pay the tax on employment under section 5 shall obtain a certificate of registration from the assessing authority in the prescribed manner.

(2) Every person liable to pay the tax on employment (other than a person earning salary or wages, in respect of whom the tax on employment is payable by his employer) shall obtain a certificate of enrolment from the assessing authority in the prescribed manner.

(3) Every employer or person required by this section to obtain a certificate of registration or enrolment shall, within thirty days from the date of commencement of the Kerala Tax on Employment (Amendment) Ordinance, 1977, or within such further period as may be notified by the Government in this behalf or if he was not an employer, or, as the case may be, from the date on which he engages in any profession, art, calling, or business, apply for a certificate or registration or enrolment,

2. Sections 5 to 12 substituted by Act 16 of 1977.

as the case may be to the assessing authority in the prescribed form, and the assessing authority shall, after making such inquiry as it deems necessary, grant him such certificate.

(4) Every person referred to in sub-section (2) shall apply for a revised certificate of enrolment to the assessing authority in the prescribed form within thirty days of his becoming liable to pay tax on employment at the rate higher or lower than that specified in the certificate of enrolment, and the assessing authority shall, after making such inquiry as it deems necessary, grant him a revised certificate of enrolment.

(5) The assessing authority shall mention in every certificate of enrolment the amount of the tax on employment payable for a half-year and the date by which and the place at which and the person to whom such tax on employment shall be payable by the holder of such certificate, and such certificate shall be deemed to be a notice of demand for the purposes of this Act.

(6) Where an employer or a person liable to apply for a certificate of enrolment has wilfully failed to apply for the certificate of registration or the certificate of enrolment, as the case may be, within the required time, the assessing authority may, after giving him a reasonable opportunity of being heard, impose on him a penalty not exceeding twenty rupees for each day of delay in the case of an employer and not exceeding five rupees for each day of delay in the case of any other person.

(7) Where an employer or other person has deliberately given false information in any application made under this section, the assessing authority may, after giving him a reasonable opportunity of being heard, impose on him a penalty not exceeding one thousand rupees.

7. Returns.— (1) Every employer who has obtained a certificate of registration under this Act shall furnish to the assessing authority within fifteen days of the expiry of every half-year, a return in the prescribed form showing therein the salaries and wages paid by him and the amount of the tax on employment deducted by him in respect thereof, during that half-year.

(2) Every such return shall be accompanied by a treasury chalan in proof of payment of the full amount of the tax on employment due according to the return, and a return without such proof of payment shall not be deemed to have been duly filed.

(3) Where an employer has wilfully failed to file such return within the required time, the assessing authority may, after giving him a reasonable opportunity of being heard, impose on him a penalty not exceeding five rupees for each day of delay.

8. Assessment of employers.— (1) If the assessing authority is satisfied that the return filed by an employer under section 7 is correct and complete, it shall accept the return and assess the tax on employment due from that employer in accordance with such return.

(2) If the assessing authority is not satisfied that a return referred to in sub-section (1) is correct and complete, it shall serve on the employer a notice requiring him, on a date specified in the notice, to attend in person or through an authorised representative, and to produce accounts and papers in support of the return.

(3) The assessing authority shall, on examination of the accounts and papers produced in compliance with the notice under sub-section (2), assess the amount of the tax on employment payable by the employer.

(4) If the employer fails to comply with the terms of a notice under sub-section (2), or if in the opinion of the assessing authority the accounts and papers are incorrect or incomplete or unreliable, that authority shall, after such inquiry as it deems fit, assess the tax on employment due, to the best of its judgment.

(5) If an employer has wilfully failed to get himself registered or being registered has failed to file any return, the assessing authority shall after giving the employer a reasonable opportunity of being heard and after holding such inquiry as it deems fit, pass an order assessing the amount of the tax on employment due, to the best of its judgment.

(6) When any tax on employment is due from an employer in consequence of any order

passed under this section, the assessing authority shall serve upon the employer liable to pay such tax, a notice of demand in the prescribed form specifying the sum so payable and the time within which and the person to whom it shall be paid.

9. Power to assess in case of escape from assessment.— If for any reason any employer or other person liable to pay the tax on employment has escaped assessment in any half-year, the assessing authority may, at any time within three years from the date on which such person should have been assessed, serve on such person a notice assessing him to such tax and demanding payment thereof within such time as may be specified in the notice, and the provisions of this Act shall, so far as may be, apply as if the assessment was made in the half-year to which such tax relates.

10. Payment and recovery of tax on employment.— Any amount specified payable in a notice of demand or in a certificate of enrolment or in a notice under section 9 shall be paid within the time specified in the notice demand or in the certificate of enrolment or in the notice, as the case may be, and any employer or other person failing so to pay shall be deemed to be in default.

11. Mode of recovery.— Without prejudice to any other mode of recovery the arrears of tax on employment payable and the penalty imposed under this Act may be recovered under the provisions of the Revenue Recovery Act for the time being in force as if it were an arrear of public revenue due on land.

12. Penalty for non-payment of tax on employment.— If an employer who holds a certificate of registration or a person who holds certificate enrolment fails without reasonable cause to make payment of any amount of the tax on employment due from him within the time specified in the notice of demand, the assessing authority may, after giving him a reasonable opportunity of being heard, impose on him penalty not exceeding fifty percent of the amount of the tax on employment due from him.]

13. Appeals.— (1) Any person objecting to the amount of the tax on employment specified [3][in a notice of demand or other notice issued under this Act] or denying his liability to be assessed under this Act or objecting to any order of the assessing authority under this Act, may appeal to the appellate authority against the assessment or against such order:

Provided that no such appeal shall lie unless the tax on employment has been paid.

(2) An appeal under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner.

(3) The appeal shall be presented within a period of sixty days from the [3][date of receipt of the notice of demand or other notice relating to the assessment or the date of receipt of the order] as the case may be, but the appellate authority may admit an appeal presented after the expiration of the said period, if it is satisfied that the appellant had sufficient cause for not presenting it within the said period:

Provided, however, that no such appeal shall be admitted after a period of six months from the date of service of the notice of demand relating to the assessment or the date of service of the order, as the case may be.

(4) The appellate authority shall fix a day and place for the hearing of the appeal and may, from time to time adjourn the hearing and make or cause to be made such further inquiry as it thinks fit.

(5) At the hearing of the appeal, the assessing authority shall also have a right to be heard.

(6) In disposing of an appeal, the appellate authority may,—

(a) in the case of an order of assessment,—

(i) confirm, reduce, enhance or annul the assessment; or

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed:

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3. Substituted by Act 16 of 1977.

(b) in the case of any other order, confirm, cancel or vary such order.

(7) The appellate authority shall, on the conclusion of the appeal, communicate the orders passed by it to the appellant and the assessing authority.

(8) The orders passed by the appellate authority shall subject to the provision of section 15, be final and shall not be liable to be questioned in a court of law.

14. Reference to District Court.— (1) The appellate authority may, if it is satisfied either suo motu or on application by any party to an appeal under section 13 that the decision on the appeal involves a question of law, draw up a statement of the case and refer it to the District Court.

(2) If the District Court is not satisfied that the statement in a case referred under this section is sufficient to enable it to determine the question raised thereby, the court may refer the case back to the appellate authority to make such additions thereto or alterations therein as the court may direct in that behalf.

(3) The District Court upon the heating of any such case shall decide the questions of law raised thereby and shall deliver its judgment thereon containing the grounds on which such decision is founded and shall send a copy of such judgment under the seal of the court to the appellate authority which shall pass orders on the appeal in conformity with such judgment.

(4) For the purposes of this section, "District Court" means the District Court having jurisdiction over the area in which the assessee exercises his profession, art or calling or transacts business or holds appointment.

15. Powers of revision of the District Collector.— The District Collector may at any time call for and examine the record of any proceeding pending before or disposed of by the appellate authority or the assessing authority and may pass such order in reference thereto as thinks fit:

Provided that no such order shall be passed under this section without notice to the party who may be affected by the order:

Provided further that no order passed on the basis of a reference under section 14 to the extent covered by the answer to such reference shall be subject to revision by the District collector.

16. Rectification of mistakes.— (1) The appellate authority or the revisional authority may at any time within three years from the date of an order passed by it on appeal or revision, as the case may be, and the assessing authority may at any time within three years from the date of any assessment or order passed by it, of its own motion, rectify any mistake apparent from the record of the appeal, revision, assessment or order, as the case may be, and shall, within the like period rectify any such mistake which has been brought to its notice by an assessee:

Provided that no such rectification shall be made which has the effect of enhancing an assessment or reducing a refund unless the assessee has been given reasonable opportunity of being heard in the matter.

(2) Where any such rectification has the effect of reducing an assessment, the assessing authority shall make any refund which may be due to such assessee.

[4][(3) Where any such rectification has the effect of enhancing an assessment or reducing a refund, the assessing authority shall serve on the employer or on the other person, a notice of demand in the prescribed form and such sum shall be payable by such employer or the other person, as the case may be, within such time, at such place and to such person, as may be specified in such notice.]

17. Power to take evidence on oath, etc.— The appellate authority, the assessing authority and the revisional authority shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure 1908 (Central Act 5 of 1908), when trying a suit, in respect of the following matters, namely:—

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4. Substituted by Act 16 of 1977.

(a) enforcing the attendance of any person and examining him on oath or affirmation;
(b) requiring the discovery and production of documents;
(c) receiving evidence on affidavit;
(d) issuing commissions for the examination of witnesses.

18. Refunds.— (1) If any person satisfies the assessing authority that the amount of the tax on employment paid by him exceeds the amount with which such person is properly assessable under this Act, he shall be entitled to a refund of such excess.

(2) The appellate authority in the exercise of its appellate powers or the revisional authority in the exercise of its appellate powers or the revisional authority in the exercise of its revisional powers, if satisfied to the like effect, shall cause a refund to be made by the assessing authority of any amount found to have been wrongly paid or paid in excess.

19. Limitation of claims for refund.— No claim to any refund to the tax on employment under section 18 shall be admitted unless it is made within three years from the date of the order of assessment or, where an appeal has been preferred or where there has been a revision, within three years from the order in appeal or revision, as the case may be.

20. Prosecutions.— (1) [5][An employer or other person who, without sufficient cause, fails to comply with any of the provisions of this Act or the rules framed there under shall, on conviction before a Magistrate, be punishable with fine not exceeding five thousand rupees, and, when the offence is a continuing one, with fine not exceeding fifty rupees per day during the period of the continuance of the offence.]

(2) A person shall not be proceeded against for an offence under this section except at the instance of the assessing authority.

(3) The District Collector may, either before or after the institution of proceedings, compound any such offence.

Explanation:— For the purposes of this section, "Magistrate" means a Judicial Magistrate of the First Class or a Judicial Magistrate of the Second Class specially empowered by the Government to try offences under this Act.

21. Offences by companies.— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section,–

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

22. Manner of service of notice.— (1) A notice or requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

5. Substituted by Act 16 of 1977

(2) Any such notice or requisition may be addressed.–

(a) in the case of a firm or a Hindu undivided family or an Aliyasanthana family or branch or a Marumakkathayam tarwad or tavazi or a family to which the provision of the Kerala Namboodiri Act, 1958, apply, to any member of the firm or to the Manager, Yajaman or Karanavan, as the case may be, or any adult member of the family, branch, tarwad or tavazhi;

(b) in the case of a local authority or company, to the principal officer thereof;

(c) in the case of any other association or body of individuals, to the principal officer or any member thereof;

(d) in the case of any other person (not being an individual), to the person who manages or controls his affairs.

23. Liability of agents of companies, firm, associations, etc., to tax on employment.— The tax on employer leviable from a company, firm, association, Hindu undivided family Aliyasanthana family or branch, Marumakkathayam tarwad or tavazhi or a family to which the provisions of the Kerala Namboodiri Act, 1958, apply, may be levied from the agent of the company, form or association or the Manager, Yajaman or Karanavan of the family, branch, tarwad or tavazhi, as the case may be.

24. Statements, returns etc., to be confidential.— All statements made, returns furnished or accounts or documents produced in connection with the assessment of the tax on employment under this Act shall be treated as confidential and shall not be granted to the public.

25. Computation of periods of limitation.— In computing the period of limitation prescribed for an appeal under this Act, the time required for obtaining a copy of the order complained of shall be excluded.

26. Bar of jurisdiction.— No suit shall lie in any civil court to set aside or modify any assessment made under this Act and no prosecution, suit or other legal proceeding shall lie against the Government or any authority or officer for anything in good faith done or intended to be done under this Act.

27. Power of assessing authority, etc., to call for information from local authorities.— The assessing authority or the appellate authority or the District Court or the revisional authority may, for the purposes of this Act, call for any information regarding an assessee from the local authority to which that assessee is liable to pay the profession tax payable under the law governing that local authority, and such local authority shall be bound to furnish the information.

28. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

29. Power to make rules.— (1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the procedure for the assessment, levy and collection of the tax on employment;

[6][(b) the procedure for deduction and remittance of tax on employment by the employer who is an officer of the Government;

(bb) the form of the certificate of registration, certificate of enrolment, notice of demand and other notice to be issued under this Act.]

(c) the mode and manner of payment of the tax on employment;

6. Clause (b) & (bb) substituted by Act 16 of 1977.

(d) the powers and duties of authorities and officers under this Act;

(e) the conditions of service of the assessing authorities and appellate authorities;

(f) the form in which appeals under this Act shall be presented and the manner in which they shall be verified;

(g) the manner in which and the authority to which applications for refund shall be made and the procedure to be followed in respect of such applications; and

(h) any other matter which has to be, or may be, prescribed.

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

30. Establishment of Housing Fund and its utilisation.— (1) On the commencement of this Act, there shall be established a fund to be called the Kerala State Poor Housing Fund (hereinafter in this section referred to as 'the Housing Fund').

(2) The proceeds of the tax on employment levied and collected under this Act, together with the fines, interest and fees recovered thereunder, shall first be credited to the consolidated Fund of the State and, after deducting the expenses of collection and recovery as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be entered into, and transferred to, the Housing Fund.

(3) Any amount transferred to the Housing Fund shall be charged on the Consolidated Fund of the State.

(4) No sum shall be paid or applied from and out of the Housing Fund except in the manner and for the purpose provided in sub-sections (5) and (6).

(5) The amount standing to the credit of the Housing Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of providing house sites for landless poor persons.

Explanation:— For the purposes of this sub-section, "landless poor person" means a person who does not hold any land which is fit for construction of a dwelling house, either as owner or as tenant having fixity of tenure, and whose annual income is not more than six hundred rupees.

(6) The housing Fund shall be held and administered on behalf of the Government by an officer not below the rank of Secretary to the Government, subject to such general or special directions as may be given by the Government from time to time.

31. Repeal.— The Kerala Tax on Employment Ordinance, 1975 (16 of 1975), is hereby repealed.

THE SCHEDULE

(*See* section 4)

Rates of tax on employment

Class	Half-yearly income	Rs.
I	Not more than Rs. 1,800	Nil
II	More than Rs. 1,800 but not more than Rs.3,000	6.00
III	More than Rs.3,000 but not more than Rs.4,800	18.00
IV	More than Rs.4,800 but not more than Rs.6,000	37.50
V	More than Rs.6,000 but not more than Rs. 9,000	50.00
VI	More than Rs.9,000 but not more than Rs.12,000	75.00
VII	More than Rs.12,000 but not more than Rs.15,000	100.00
VIII	More than Rs.15,000	125.00

THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

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*THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

(Act 18 of 1969)

An Act to provide for the regulation of registration of births and deaths and for matters connected therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:–

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Registration of Births and Deaths Act, 1969.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different parts of a State.

2. Definitions and interpretation.— (1) In this Act, unless the context otherwise requires—

(a) "birth" means live-birth or still-birth;

(b) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

(c) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;

(d) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breaths or shows any other evidence of life, and each product of such birth is considered live-born;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "State Government", in relation to a Union territory means the Administrator thereof;

(g) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGISTRATION-ESTABLISHMENT

3. Registrar-General, India.— (1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.

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* Came into force into force in Kerala on 1-4-1970 see GRS 561 Gazette Ind. 1970 Part II page 966.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to Co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

4. Chief Registrar.— (1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made there under subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report referred to in sub-section (2) of section 19.

5. Registration divisions.— The State Government may, by notification in the Chief Official Gazette, divide the territory within the state into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

6. District Registrar.— (1) The State Government may appoint a District Registrar for each revenue district and such number of [1]Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

7. Registrars.— (1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them:

Provided that the State Government may appoint in the case of a municipality, panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also takes steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

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1. Senior Research Assistants in District Stastistical Offices appointed as Addl. District Registrars of respective revenue district by SRO. 82/71 published in Kerala Gazette No. 9 dated 9-9-1971.

CHAPTER III
REGISTRATION OF BIRTHS AND DEATHS

8. Persons required to register births and deaths.— (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

(a) In respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

(b) In respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;

(c) In respect of births and deaths in a jail, the jailor in charge;

(d) In respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;

(e) In respect of any new-born child or dead body found deserted in a public place, the head man or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(f) In any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

9. Special provision regarding births and deaths in a plantation.— In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (a) to (f) of sub-section (1) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

Explanation:— In this section, the expression "Plantation" means land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may, by notification in the Official Gazette specify and the expression "superintendent of the plantation" means the person having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

10. Duty of certain persons to notify births and deaths and to certify cause of death.— (1) It shall be the duty of–

(i) The midwife or any other medical or health attendant at a birth or death,

(ii) The keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or

(iii) Any other person whom the State Government may specify in this behalf by his designation,

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under Sub-Section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any persons who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forth with, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

11. Informant to sign the register.— Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

12. Extracts of registration entries to be given to informant.— The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

13. Delayed registration of births and deaths.— (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefore, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death with in the time specified there for and any such birth or death may be registered during the pendency of any such action.

14. Registration of name of child.— Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and there upon the Registrar shall enter such name in the register and initial and date the entry.

15. Correction or Cancellation of entry in the register of births and deaths.— If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

16. Registrars to keep registers in the prescribed form.— (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

17. Search of births and deaths register.— (1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

(a) Cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(b) Obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

18. Inspection of registration offices.— The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

19. Registrars to send periodical returns to the chief Registrar for compilation.— (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrar to be complied and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

CHAPTER V

MISCELLANEOUS

20. Special provision as to registration of births and deaths of citizens outside India.— (1) The Registrar General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955 (57 of 1955), and every such registration shall also be deemed to have been duly made under this Act.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of Section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid.

21. Power of Registrar to obtain information regarding birth or death.— The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

22. Power to give directions.— The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

23. Penalties.— (1) Any person who—

(a) Fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or

(b) Gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) Refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11, shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to fifty rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees

(5) Notwithstanding anything contained in the code of criminal procedure, 1898 (5 of 1989), an offence under this section shall be tried summarily by a magistrate.

24. Power to compound offences.— (1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

25. Sanction for Prosecution.— No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

26. Registrars and Sub-Registrars to be deemed public servants.— All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

27. Delegation of powers.— The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

28. Protection of action taken in good faith.— (1) No suit prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

29. Act not to be in derogation of Act 6 of 1886.— Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

30. Power to make rules.— (1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for–

(a) The forms of Registers of births and deaths required to be kept under this Act;

(b) The period within which and the form and the manner in which information should be given to the Registrar under section 8;

(c) The period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;

(d) The person from whom and the form in which a certificate as to cause of death shall be obtained;

(e) The particulars of which extract may be given under section 12;

(f) The authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;

(g) The fees payable for registration made under section 13;

(h) The submission of reports by the Chief Registrar under sub-section (4) of section 4;

(i) The search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;

(j) The forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;

(k) The custody, Production and transfer of the registers and other records kept by Registrars;

(l) The correction of errors and the cancellation of entries in the register of births and deaths;

(m) Any other matter which has to be, or may be, prescribed.

[2][(3) Every rule made under this Act shall be laid, as soon as may be after is made, before the State Legislature.]

31. Repeal and Saving.— (1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

32. Power to remove difficulty.— If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.

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2. Inserted by Delegated Legislation provisions (Amendment) Act, 1985 (4 of 1986) Published in Gazette of India dt. 14-1-1986.

*THE KERALA REGISTRATION OF BIRTHS AND DEATHS RULES, 1999

S.R.O. No.150/2000.— In exercise of the powers conferred by Section 30 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) and in supersession of the Kerala Registration of Births and Deaths Rules, 1970, the Government of Kerala with the approval of the Central Government, hereby make the following rules, namely:—

RULES

1. Short title and commencement.— (1) These rules may be called the Kerala Registration of Births and Deaths Rules, 1999.

(2) They shall come into force on the 1st day of January, 2000.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) "Act" means the Registration of Births and Deaths Act, 1969;

(b) "Form" means a Form appended to these rules; and

(c) "Section" means a Section of the Act.

3. Period of gestation.— The period of gestation for the purposes of Clause (g) of sub-section (i) of Section 2 shall be twenty-eight weeks.

4. Submission of report under Section 4 (4).— The report under sub-section (4) of Section 4 shall be prepared in the prescribed format appended to these Rules and shall be submitted along with the statistical report referred to in sub-section (2) of Section 19, to the State Government by the Chief Registrar for every year by the 31st July of the year following the year to which the report relates.

5. Form, etc. for giving information of births and deaths.— (1) The information required to be given to the Registrar under Section 8 or Section 9, as the case may be, shall be in Form Nos. 1, 2 and 3 for the Registration of a birth, death and still birth respectively (hereinafter to be collectively called the reporting forms). Information if given orally, shall be entered by the Registrar in the appropriate reporting forms and the signature/thumb impression of the informant obtained.

(2) The part of the reporting forms containing legal information shall be called the 'Legal Part' and the part containing statistical information shall be called the 'Statistical Part'.

(3) The information referred to in sub-rule (1) shall be given within twenty-one days from the date of birth, death and still birth.

6. Birth or death in a vehicle.— (1) In respect of a birth or death in a moving vehicle, the person in charge of the vehicle shall give or cause to be given the information under sub-section (1) of Section 8 at the first place of halt.

Explanation:— For the purpose of this rule the term "vehicle" means conveyance of any kind used on land, air or water and includes an aircraft, a boat, a ship, a railway carriage, a motor-car, a motor cycle, a cart, a tonga and a rickshaw.

(2) In the case of deaths not falling under Clauses (a) to (e) of sub-section (1) of Section 8 in which an inquest is held, the officer who conducts the inquest shall give or cause to be given the information under sub-section (1) of Section 8.

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* Published under Notification No. G.O.(P) 8/2000/LSGD dt. in 6-1-2000 in Kerala Gazette Extraordinarty No. 316 dt. 18-2-2000.

7. Form of certificate under Section 10 (3).— The certificate as to the cause of death required under sub-section (3) of Section 10 shall be issued in Form No. 4 or 4A and the Registrar shall, after making necessary entries in the register of births and deaths, forward all such certificates to the Chief Registrar or the officer specified by him in this behalf by the 10th of the month immediately following the month to which the certificates relate.

8. Extracts of registration entries to be given under Section 12.— (1) The extracts of particulars from the register relating to births or deaths to be given to an informant under Section 12 shall be in Form No. 5 or Form No. 6, as the case may be.

(2) In the case of domiciliary events of births and deaths referred to in Clause (a) of sub-section (1) of Section 8 which are reported direct to the Registrar of Births and Deaths, the head of the house or house hold as the case may be, or, in his absence, the nearest relative of the head present in the house may collect the extracts of birth or death from the Registrar within thirty days of its reporting.

(3) In the case of domiciliary events of births and deaths referred to in Clause (a) of sub-section (1) of Section 8 which are reported by persons specified by the State Government under sub-section (2) of the said section, the person so specified shall transmit the extracts received from the Registrar of Births and Deaths to the concerned head of the house or household as the case may be, or, in his absence, the nearest relative of the head present in the house within thirty days of its issue by the Registrar.

(4) In the case of institutional events of births and deaths referred to in Clauses (b) to (e) of sub-section (1) of Section 8, the nearest relative of the new born or deceased may collect the extract from the officer or person in charge of the institution concerned within thirty days of the occurrence of the event of birth or death.

(5) If the extract of birth or death is not collected by the concerned person as referred to in sub-rules (2) to (4) within the period stipulated therein, the Registrar or the officer or person in charge of, the concerned institution as referred to in sub-rule (4) shall transmit the same to the concerned family by post within fifteen days of the expiry of the aforesaid period.

9. Authority for delayed registration and fee payable therefor.— (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified in Rule 5, but within thirty days of its occurrence, shall be registered on payment of a late fee of rupees two.

(2) Any birth or death of which information is given to the registrar after thirty days but within one year of its occurrence, shall be registered only with the written permission of the officer prescribed in this behalf and on payment of a late fee of rupees five.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order of a magistrate of the first class or a Presidency Magistrate and on Payment of a late fee of rupees ten.

10. Period for the purpose of Section 14.— (1) Where the birth of any child had been registered without a name, the parent or guardian of such child shall, within 12 months from the date of registration of the birth of child, give information regarding the name of the child to the Registrar in writing:

Provided that if the information is given after the aforesaid period of 12 months which shall be reckoned, subject to the provisions of sub-section (4) of Section 23, the Registrar shall enter the name in the relevant column of the concerned form in the birth register on payment of a late fee of rupees five.

(2) The parent or the guardian, as the case may be, shall also present to the Registrar the copy of the extract given to him under Section 12 or a certified extract issued to him under Section 17 and on such presentation the Registrar shall make the necessary endorsement relating to the name of the child.

11. Correction or cancellation of entry in the register of births and deaths.— (1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or cancelling the entry) as provided in Section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the officer specified by it in this behalf.

(2) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under Section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2) the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the State Government or the officer specified in this behalf.

(4) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report giving necessary details to the officer authorised by the Chief Registrar by general or special order in this behalf under Section 25 and on hearing from him take necessary action in the matter.

(5) In every case in which an entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under Section 8 or Section 9.

12. Form of register under Section 16.— The legal part of the Form Nos. 1, 2 and 3 shall constitute the birth register, death register and still birth register (Form Nos.7, 8 and 9) respectively.

13. Fees and postal charges payable under Section 17.— (1) The fees payable for a search to be made, an extract or a non-availability certificate to be issued under Section 17, shall be as follow:—

		Rs.
(a)	Search for a single entry in the first year for which the search is made	2.00
(b)	for every additional year for which the search is continued	2.00
(c)	for granting extract relating to each birth or death	5.00
(d)	for granting non-availability certificate of birth or death	2.00

(2) Any such extract in regard to a birth or death shall be issued by the Registrar or the officer authorised by the State Government in this behalf in Form No. 5 or, as the case may be, in Form No. 6 and shall be certified in the manner provided for in Section 76 of the Indian Evidence Act, 1872 (1 of 1872).

(3) If any particular event of birth or death is not found registered the Registrar shall issue a non-availability certificate in Form No.10.

(4) Any such extracts or non-availability certificate may be furnished to the person asking for it or sent to him by post on payment of the postal charges therefor.

14. Interval and forms of periodical returns under Section 19 (1).— (1) Every Registrar shall after completing the process of registration send all the Statistical Parts of the reporting forms relating to each month along with a Summary Monthly Report in Form No. 11 for births, Form No. 12 for deaths and Form No. 13 for still births to the Chief Registrar or the officer specified by him on or before the 5th of the following month.

(2) The officer so specified shall forward all such statistical parts of the reporting forms received by him to the Chief Registrar not later than the 10th of the month.

15. Statistical report under Section 19 (2).— The statistical report under sub-section (2) of Section 19 shall contain the tables in the prescribed formats appended to these rules and shall be compiled for each year before the 31st July of the year immediately following and shall be published as soon as may be thereafter but in any case not later than five months from that date.

16. Conditions for compounding offences.— (1) Any offence punishable under Section 23 may, either before or after the institution of criminal proceedings under this Act, be compounded by an officer authorised by the Chief Registrar by a general or special order in this behalf, if the officer so authorised is satisfied that the offence was committed through inadvertence or oversight or for the first time.

(2) Any such offence may be compounded on payment of such sum, not exceeding rupees fifty for offences under sub-sections (1), (2) and (3) and rupees ten for offences under sub-section (4) of Section 23 as the said officer may think fit.

17. Registers and other records under Section 30 (2) (k).— (1) The birth register, death register and still birth register shall be records of permanent importance and shall not be destroyed.

(2) The court orders and orders of the specified authorities granting permission for delayed registration received under Section 13 by the Registrar, shall form an integral part of the birth register, death register and still birth register and shall not be destroyed.

(3) The certificate as to the cause of death furnished under sub-section (3) of the Section 10 shall be retained for a period of at least 5 years by the Chief Registrar or the officer specified by him in this behalf.

(4) Every birth register, death register and still birth register shall be retained by the Registrar in his office permanently.

FORMAT OF THE REPORT ON THE WORKING OF THE ACT

[*See* Rule 4]

1. Brief description of the State, its boundaries and revenue Districts.
2. Changes in Administrative Areas.
3. Explanation about the differences in Areas.
4. Changes in Registration Area-Extension.
5. Administrative set up of the registration machinery at various levels.
6. General response of the public towards this Act.
7. Notification of births and deaths.
8. Progress in the medical certification of cause of death.
9. Maintenance of Records.
10. Search of births and deaths register for issue of certificates.
11. Delayed registrations.
12. Prosecutions and compounding of offences.
13. Difficulties encountered in implementation of the Act.
    (i) Administrative
    (ii) Others
14. Orders and Instructions issued under the Act.
15. General remarks.

Form No. 1
[*See* Rule 5]
BIRTH REPORT FORM

Birth Report **Legal Information** This part ot be added to the Birth Register	**Birth Report** **Statistical Information** This part to be detached and sent for statistical processing	In case of multiple births, fill in a seperate form for each child and write 'Twin birth' or 'Triple birth' etc., as the case may be, in the remarks column in the box below left.
To be filled by the informant	To be filled by the informant	To be filled by the informant
1. Date of Birth: (Enter the exact day, month and year the child was born e.g. 1-1-2000) 2. Sex: (Enter 'Male' or 'Female' do not use abbreviation) 3. Name of the Child, if any: (If not named, leave blank) 4. Name of the father: (Full name as usually written) 5. Name of the mother: (Full name as usually written) *[5A. Permenant address of the parents 5B. Address of the parents at the time of birth of the child.] 6. Place of Birth: (Tick the appropriate entry 1 or 2 below and give the name of the Hospital/Institution or the address of the house where the birth took-place) 1. Hospital/ Institution Name: 2. House Address: 7. Informant's name: (1) Address: (2) Counter Signature and seal of the authorities concerned (in the case of hospitals/Institutions) (After completing all columns 1 to 20, informant will put date and signature here:)	To be detached and sent for statistical processing Date Signature of left thumb marks of the informant 8. Town or Village of Residence of the mother: (Place where the mother usually lives. This can be different from the place where the delivery occured. The house address is not required to be entered.) (a) Name of Town/Village: (b) Is it a town or village: (Tick the appropriate entry below) 1. Town 2. Village (c) Name of the District: (d) Name of State: 9. Religion of the family: (Tick the appropriate entry below) 1. Hindu 2. Muslim 3. Christian 4. Any other religion (Write name of the religion) 10. Father's level of education: (Enter the completed level of education e.g. If studied upto class VII but passed only class VI, write class VI) 11. Mother's level of education: (Enter the complete level of education e.g. If studied upto class VII but passed only class VI, write Class VI) 12. Father's occupation: (If no occupation write 'Nil')	13. Mother's occupation: (If no occupation write 'Nil') 14. Age of the mother (in completed years) at the time of marriage: (If married more than once, age at first marriage may be entered) 15. Age of the mother (in completed years) at the time of this birth: 16. Number of children born alive to the mother so far including this child: (Number of children born alive to include also those from earlier marriage(s), if any) 17. Type of attention at delivery: (Tick the appropriate entry below) 1. Institutional - Government 2. Institutional - Private or Non-Government 3. Doctor, Nurse of Trained midwife 4. Traditional Birth Attendant 5. Relatives or others 18. Method of Delivery: (Tick the appropriate entry below) 1. Natural 2. Caesarean 3. Forceps/Vaccum 19. Birth Weight (in kgs.) (if available): 20. Duration of pregnancy (in weeks): (Columns to be filled are over. Now put signature at left)
To be filled by the Registrar Registration No. Registration Date: Registration Unit: Town/Village: District: Remarks (if any) Name and Signature of the Registrar	To be filled by the Registrar Code No. Name: District: Tahsil: Town/Village: Registration Unit:	To be filled by the Registrar Registration No. Registration Date: Date of Birth: Sex: 1. Male 2. Female Place of Birth: 1. Hospital/Institution 2. House Name and Signature of the Registrar

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

Form No. 2
[*See* Rule 5]

DEATH REPORT FORM

Death Report **Legal Information** This part to be added to the Death Register	**Death Report** **Statistical Information** This part to be detached and sent for statistical processing	
To be filled by the informant	To be filled by the informant	To be filled by the informant
1. Date of Death: (Enter the exact day, month and year the death took place e.g.1-1-2000) 2. Name of the deceased: (Full name as usually written) (a) Permanent address of the deceased: (b) Name of the father/husband: *[(c) Name of mother (d) Address of the deceased at the time of the death.] 3. Sex of the deceased: (Enter 'Male' or 'Female'; do not use abbreviation) 4. Age of the deceased (If the deceased was over 1 year of age, give age in completed years. If the deceased was below 1 year of age, give age in months, and if below 1 month give age in completed number of days, and if below one day, in hours.) 5. Place of death: (Tick the appropriate entry 1, 2 or 3 below and give the name of the Hospital/ Institution or the address of the house where the death took-place). If other place, give location 1. Hospital/Institution Name: 2. House: Address: 3. Other Place: 6. Informant's name: 1. Address:	To be detached and sent for statistical processing 2. Counter signature and seal of the authorities concerned (in the case of hospitals/institutions) (After completing all columns 1 to 17 informant will put date and signature here:) Date Signature or left thumb mark of the informant 7. Town or Village of Residence of the deceased: (Place where the deceased actually lived. This can be different from the place where the death occured. The house address is not required to be entered.) (a) Name of Town/Village: (b) Is it a town of village: (Tick the appropriate entry below) 1. Town: 2. Village: (c) Name of District: (d) Name of State: 8. Religion (Tick the appropriate entry below) 1. Hindu 2. Muslim 3. Christian 4. Any other religion (write name of the religion) 9. Occupation of the deceased: (If no occupation write 'Nil') 10. Type of the Medical attention received before death (Tick the appropriate entry below)	1. Institutional 2. Medical attention other than institution 3. No medical attention 11. Was the cause of death medically certified? (Tick the appropriate entry below) 1. Yes 2. No 12. Name of Disease or Actual Cause of Death: (For all deaths irrespective of whether medically certified or not) 13. In case this is a female death, did the Death occur while pregnant, at the time of delivery or within 6 weeks after the end of pregnancy (Tick the appropriate entry below) 1. Yes 2. No 14. If used to habitually smoke for how many years? 15. If used to habitually chew tobacco in any form - for how many years? 16. If used to habitually chew arecanut in any form (including pan masala) - for how many years? 17. If used habitually drink alcohol - for how many years? (Columns to be filled are over, Now put signature at left)
To be filled by the Registrar Registration No: Registration Date: Registration Unit: Town/Village District: Remarks: (if any) Name and Signature of the Registrar	To be filled by the Registrar Name Code No. District: Tahsil: Town/Village: Registration Unit: Registration No.: Registration Date:	To be filled by the Registrar Date of Death: Sex: 1. Male 2. Female Age: Years/Months/Days/Hours Place of Birth: 1. Hospital/Institution 2. House 3. Other Place Name and Signature of the Registrar

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

Form No. 3
[*See* Rule 5]
STILL BIRTH REPORT FORM

Still Birth Report
Legal Information
This part to be added to the Still Birth Register

Still Birth Report
Statistical Information
This part to be detached and sent for statistical processing

In the case of multiple birhts, fill in a seperate form for each child and write 'Twin birth' or 'Triple birth' etc., as the case may be, in the remarks column in the box below left.

To be filled by the informant

1. Date of Birth:
   (Enter the exact day, month and year e.g. 1-1-2000)
2. Sex: (Enter 'Male' or 'Female', Do not use abbreviation)
3. Name of the father:
   (Full name as usually written)
4. Name of the mother:
   (Full name as usually written)
5. Place of Birth: (Tick the appropriate entry below and give the name of the Hospital/ Institution or the address of the house where the birth took place)
   1. Hospital/ Institution — Name:
   2. House — Address:
6. Informant's name:
   (1) Address:
   (2) Conter Signature and seal of the authorities concerned (in the case of hospitals/Institutions)

(After completing all columns 1 to 12, informant will put date and signature here.)

Date: Signature of left thumb marks of the informant

To be detached and sent for statistical processing

To be filled by the informant

7. Town or Village of Residence of the mother: (Place where the mother usually lives. This can be different from the place where the delivery occured. The house address is not required to be entered.)
   (a) Name of Town/Village:
   (b) Is it a town or village:
   (Tick the appropriate entry below)
   1. Town 2. Village
   (c) Name of District:
   (d) Name of State:
8. Age of the mother (in completed years) at the time of this birth:
9. Mother's level of education:
   (Enter the completed level of education e.g. If studied upto class VII but passed only class VI, write class VI)
10. Type of attention at delivery: (Tick the appropriate entry below)
    1. Institutional - Government
    2. Institutional - Privalte or Non-Government
    3. Doctor, Nurse or Trained midwife
    4. Traditional Birth Attendant
    5. Relatives or others
11. Duration of pregnancy (in weeks)
12. Cause of foetal death (if known)
    (Columns to be filled are over. Now put signature at left)

To be filled by the Registrar
Registration No: Registration Date:
Registration Unit:
Town/Village: District:
Remarks (if any):
Name and Signature of the Registrar

To be filled by the Registrar
Name Code No.
District:
Tahsil:
Town/Village:
Registration Unit:

To be filled by the Registrar
Registration No: Registration Date:
Date of Birth:
Sex: 1. Male 2. Female
Place of Birth: 1. Hospital/Institution
2. House
Name and Signature of the Registrar

FORM No. 4

[*See* Rule 7]

MEDICAL CERTIFICATE OF CAUSE OF DEATH

(Hospital in-patients. Not to be used for still births)

To be sent to Registrar along with Form No. 2 (Death Report)

Name of the Hospital.....

I hereby certify that the person whose particulars are given below died in the hospital in Ward No. ..... on ..... at ..... A.M./P.M.

Name of Deceased					For use of Statistical Office
	Age at Death				
Sex	If one year or more, age in Years	If less than one year, age in months	If less than one month, age in Days	If less than one day, age in Hours	
1. Male 2. Female					

Cause of Death		Interval between on set & death approx.	
I. Immediate Cause State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc.	(a)	.....	.....
Antecedent cause Morbid conditions, if any, giving rise to the above cause, stating underlying conditions last.	due to (or as a consequences of) (b)	.....	.....
II. Other significant conditions contributing to the death but not related to the disease or conditions causing it	due to (or as a consequences of) (c).....	.....	.....
	.....	.....	.....
	.....	.....	.....

Manner of Death — How did the injury occur?

(1) Natural (2) Accident (3) Suicide (4) Homicide

(5) Pending Investigation

If deceased was a female, was pregnancy the death associated with? (1) Yes (2) No

If Yes, was there a delivery? (1) Yes (2) No

Name and signature of the Medical Attendant certifying the cause of death

Date of verification.....

See Reverse for Instructions

(To be detached and handed over to the relative of the deceased)

Certified that Shri/Smt./Kum.....S/W/D/ of Shri .....
R/O ..... was admitted to this hospital on .....
and expired on .....

Doctor .....

(Medical Supdt. Name of Hospital)

MEDICAL CERTIFICATE OF CAUSE OF DEATH

Directions for completing the form

Name of deceased.— To be given in full. Do not use initials. If deceased is an infant, not yet named at time of death, write. 'Son of (S/o)' or 'Daughter of (D/o)', followed by names of mother and father.

Age.— If the deceased was over 1 year of age, give age in completed years. If the deceased was below 1 year of age, give age in months and if below 1 month give age in completed number of days, and if below one day, in hours.

Cause of Death.— This part of the form should always be completed by the attending physician personally.

The certificate of cause of death is divided into two parts, I and II. Part I is again divided into three parts, lines (a) (b) (c). If a single morbid condition completely explains the deaths, then this will be written on line (a) of Part I, and nothing more need be written in the rest of Part I or in Part II, for example, smallpox, lobar pneumonia, cardiac beriberi, are sufficient cause of death and usually nothing more is needed.

Often, however, a number of morbid conditions will have been present at death, and the doctor must then complete the certificate in the proper manner so that the correct underlying cause will be tabulated. First, enter in Part I (a) the immediate cause of death. This does not mean the mode of dying, e.g., heart failure, respiratory failure, etc. These terms should not appear on the certificate at all since they are modes of dying and not causes of death. Next consider whether the immediate cause is a complication or delayed result of some other cause. If so, enter the antecedent cause in Part I, line (b). Sometimes there will be three stages in the course of events leading to death. If so, line (c) will be completed. The underlying cause to be tabulated is always written last in Part I.

Morbid conditions or injuries may be present which were not directly related to the train of events causing death but which contributed in some way to the fatal outcome. Sometimes the doctor finds it difficult to decide, especially for infant, deaths, which of several independent conditions was the primary cause of death; but only one cause can be tabulated, so the doctor must decide.If the other diseases are not effects of the underlying cause, they are entered in Part II.

Do not write two or more conditions on a single line. Please write the names of the diseases (in full) in the certificates as legibly as possible to avoid the risk of their being misread.

Onset.— Complete the column for interval between onset and death whenever possible, even if very approximately, e.g., "from birth" "several years"

Accidental or violent deaths.— Both the external cause and the nature of the injury are needed and should be stated. The doctor or hospital should always be able to describe the injury, stating the part of the body injured, and should give the external cause in full when this is shown. Example: (a) Hypostatic pneumonia; (b) Fracture of neck of femur, (c) Fall from ladder at home.

Maternal deaths.— Be sure to answer the questions on pregnancy and delivery. This information is needed for all women of child-bearing age, even though the pregnancy may have had nothing to do with the death.

Old age or senility.— Old age (or senility) should be not given as a cause of death if a more specific cause is known. If old age was a contributory factor, it should be entered in Part II. Example: (a) Chronic bronchitis, II. old age.

Completeness of information.— A complete case history is not wanted, but, if the information is available, enough details should be given to enable the underlying cause to be properly classified.

Example.— Anaemia - Give type of anaemia, if known. Neoplasms - indicate whether benign or malignant, and site, with site of primary neoplasm, whenever possible, Heart disease - Describe the condition specifically, if congestive heart failure, chronic on pulmonale, etc., are mentioned, given the antecedent conditions. Tetanus-Describe the antecedent injury, if known.

Operation-State the condition for which the operation was performed. Dysentry-Specify whether bacillary, amoebic, etc., if known. Complications of pregnancy or delivery - Describe the complication specifically. Tuberculosis - Give organs affected.

Symptomatic statement.— Convulsions, diarrhoea, fever, ascites, jaundice, debility etc., are symptoms which may be due to any one of a number of different conditions. Sometimes nothing more is known, but whenever possible, give the disease which caused the symptom.

Manner of Death.— Deaths not due to external cause should be identified as 'Natural'. If the cause of death is known, but it is not known whether it was the result of an accident, suicide or homicide and is subject to further investigation, the cause of death should invariably be filled in and the manner of death should be shown as 'Pending investigation'.

FORM No. 4A

[*See* Rule 7]

MEDICAL CERTIFICATE OF CAUSE OF DEATH

(For non-institutional deaths. Not to be used for still births)

To be sent to Registrar along with Form No. 2 (Death Report)

I heraby certify that the deceased Shri/Smt./Kum..... son of/wife of/daughter of ..... resident of ..... was under my treatment from ..... to ..... and he/she died on ..... at ..... A.M./P.M.

Name of the Deceased					For use of Statistical Office
Sex	Age at Death				
	Age in Completed Years	If less than 1 year age in Months	If less than one month age in Days	If less than one day age in Hours	
1. Male 2. Female					

Cause of Death		Interval between onset & death approx.	
I. Immediate Cause	(a)	.....	.....
State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc.	due to (or as a consequences of)		
Antecedent cause	(b)	.....	.....
Morbid conditions, if any, giving rise to the above Cause, stating underlying conditions last	due to (or as a consequences of)		
	(c).....	.....	.....
II. Other significant conditions contributing to the death but not related to the disease or conditions causing it.	.....	.....	.....
	.....	.....	.....

If deceased was a female, was pregnancy the death associated with? 1. Yes 2. No

If Yes, was there a delivery? 1. Yes 2. No

Name and signature of the Medical Practitioner, Certifying the cause of death

Date of certification .....

See Reverse for Instructions

(To be detached and handed over to the relative of the deceased)

Certified that Shri/Smt./Kum ..... S/W/D of Shri ..... R/O ..... was under my treatment from ..... to ..... and he/she expired on ..... at ..... A.M./P.M.

Doctor .....

Signature and address of Medical Practitioner/ Medical attendant with Registration No.

MEDICAL CERTIFICATE OF CAUSE OF DEATH

Directions for completing the form

Name of deceased.— To be given in full. Do not use initials. If deceased is an infant, not yet named at time of death, write. 'Son of (S/o)' or 'Daughter of (D/o)', followed by names of mother and father.

Age.— If the deceased was over 1 year of age, give age in completed years. If the deceased was below 1 year of age, give age in months and if below 1 month give age in completed number of days, and if below one day, in hours.

Cause of Death.— This part of the form should always be completed by the attending physician personally.

The certificate of cause of death is divided into two parts, I and II. Part I is again divided into three parts, lines (a) (b) (c). If a single morbid condition completely explains the deaths, then this will be written on line (a) of Part I, and nothing more need be written in the rest of Part I or in Part II, for example, smallpox, lobar pneumonia, cardiac beriberi, are sufficient cause of death and usually nothing more is needed.

Often, however, a number of morbid conditions will have been present at death, and the doctor must then complete the certificate in the proper manner so that the correct underlying cause will be tabulated. First enter in Part I (a) the immediate cause of death. This does not mean the mode of dying, e.g., heart failure, respiratory failure, etc. These terms should not appear on the certificate at all since they are modes of dying and not causes of death. Next consider whether the immediate cause is a complication or delayed result of some other cause. If so, enter the antecedent cause in Part I, line (b). Sometimes there will be three stages in the course of events leading to death. If so, line (c) will be completed. The underlying cause to be tabulated is always written last in Part I.

Morbid conditions or injuries may be present which were not directly related to the train of events causing death but which contributed in some way to the fatal outcome. Sometimes the doctor finds it difficult to decide, especially for infant deaths, which of several independent conditions was the primary cause of death; but only one cause can be tabulated, so the doctor must decide. If the other diseases are not effects of the underlying cause, they are entered in Part II.

Do not write two or more conditions on a single line. Please write the names of the diseases (in full) in the certificates as legibly as possible to avoid the risk of their being misread.

Onset.— Complete the column for interval between onset and death whenever possible, even if very approximately, e.g., "from birth" "several years."

Accidental or violent deaths.— Both the external cause and the nature of the injury are needed and should be stated. The doctor or hospital should always be able to describe the injury, stating the part of the body injured, and should give the external cause in full when this is shown. Example: (a) hypostatic pneumonia; (b) Fracture of neck of femur, (c) Fall from ladder at home.

Maternal deaths.— Be sure to answer the questions on pregnancy and delivery. This information is needed for all women of child-bearing age, even though the pregnancy may have had nothing to do with the death.

Old age or senility.— Old age (or senility) should be not given as a cause of death if a more specific cause is known. If old age was a contributory factor, it should be entered in Part II. Example: (a) Chronic bronchitis, II old age.

Completeness of information.— A complete case history is not wanted, but, if the information is available, enough details should be given to enable the underlying cause to be properly classified.

Example.— Anaemic-Give type of anaemia, if known, Neoplasms-Indicate whether benign or malignant, and site, with site of primary neoplasm, whenever possible, Heart disease-Describe the condition specifically; if congestive heart failure, chronic on pulmonale, etc., are mentioned, give the antecedent conditions. Tetanus-Describe the antecedent injury, if known. Operation-State the condition for which the operation was performed. Dysentry-Specify whether bacillary, amoebic, if known. Complications of pregnancy or delivery-Describe the complication specifically Tuberculosis-Give organs affected.

Symptomatic Statement.— Convulsions, diarrhoea, fever, ascites, jaundice, debility etc., are symptoms which may be due to any one of a number of different conditions. Sometimes nothing more is known, but whenever possible, give the disease which caused the symptom.

***[FORM NO. 5**

[*See* Rule. 8]

നമ്പർ..... Form - 5

No.....

കേരള സർക്കാർ

GOVERNMENT OF KERALA

പഞ്ചായത്ത്/നഗരകാര്യ വകുപ്പ്

DEPARTMENT OF PANCHAYATS/URBAN AFFAIRS

സർട്ടിഫിക്കറ്റ് നൽകുന്ന തദ്ദേശ സ്ഥാപനത്തിന്റെ പേര് .....

Name of local body issing certificate.....

ജനന സർട്ടിഫിക്കറ്റ്

Birth Certificate

(1969-ലെ ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ 12/17 വകുപ്പും 1999-ലെ കേരള ജനന-മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 8/13-ാം ചട്ടവും അനുസരിച്ച് നൽകുന്നത്.

(Issued under Section 12/17 of the Registration of Births and Deaths Acts, 1969 and Rule 8/13 of the Kerala Registration of Births and Deaths Rules, 1999.

താഴെ പറയുന്ന വിവരങ്ങൾ കേരള സംസ്ഥാനത്തിലെ ..... ജില്ലയിലെ ..... താലൂക്കിലെ ..... ലെ (തദ്ദേശ സ്ഥാപനം) അസ്സൽ ജനന രജിസ്റ്ററിൽ നിന്ന് എടുത്തിട്ടുള്ളവയാണെന്ന് സാക്ഷ്യപ്പെടുത്തുന്നു.

This is to certify that the following information has been taken from the original record of birth which is the register for (local area/ local body) ..... of Taluk ..... of District ..... of State Kerala.

പേര് /Name .....ആൺ/പെൺ/Sex.....ജനന തീയതി/ Date of Birth.....ജനന സ്ഥലം/Place of Birth.....

മാതാവിന്റെ പേര്/ Name of Mother.....

പിതാവിന്റെ പേര്/ Name of Father.....

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

കുട്ടിയുടെ ജനന സമയത്ത് മാതാ പിതാക്കളുടെ മേൽവിലാസം
Address of the Parents at the time of birth of the child

.....
.....

മാതാപിതാക്കളുടെ സ്ഥിരമായ മേൽവിലാസം
Permanent address of parents

.....
.....

രജിസ്ട്രേഷൻ നമ്പർ /Registration No. ..... രജിസ്ട്രേഷൻ തീയതി / Date of Registration .....

അഭിപ്രായക്കുറിപ്പ് /Remarks (if any) .....

നൽകുന്ന തീയതി/Date of issue.....

നൽകുന്ന അധികാരിയുടെ ഒപ്പ്/Signature of the issuing authority

നൽകുന്ന അധികാരിയുടെ മേൽവിലാസം/Address of the issuing authority

സീൽ / SEAL

"Ensure Registration of every birth and death"/

"ഓരോ ജനനവും മരണവും രജിസ്റ്റർ ചെയ്തുവെന്ന് ഉറപ്പുവരുത്തുക."

*[**FORM NO. 6**

[*See* Rule 8]

Form - 6

നമ്പർ
No.....

കേരള സർക്കാർ
GOVERNMENT OF KERALA
പഞ്ചായത്ത്/നഗരകാര്യ വകുപ്പ്
DEPARTMENT OF PANCHAYAT/URBAN AFFAIRS

സർട്ടിഫിക്കറ്റ് നൽകുന്ന തദ്ദേശ സ്ഥാപനത്തിന്റെ പേര്
Name of local body issuing certificate .....

മരണ സർട്ടിഫിക്കറ്റ്
DEATH CERTIFICATE

(1969-ലെ ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ 12/17 വകുപ്പും 1999-ലെ കേരള ജനന-മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 8/13-ാം ചട്ടവും അനുസരിച്ച് നൽകുന്നത്.

(Issued under Section 12/17 of the Registration of Births and Deaths Act, 1969 and Rule 8/13 of the Kerala Registration of Births and Deaths Rules, 1999)

താഴെ പറയുന്ന വിവരങ്ങൾ കേരള സംസ്ഥാനത്തിലെ ..... ജില്ലയിലെ ..... താലൂക്കിലെ ..... ലെ (തദ്ദേശ സ്ഥാപനം) അസ്സൽ മരണ രജിസ്റ്ററിൽ നിന്ന് എടുത്തിട്ടുള്ളവയാണെന്ന് സാക്ഷ്യപ്പെടുത്തുന്നു.

This is to certify that the following information has been taken from the original record of Death which is the register for (local area/local body) ..... of Taluk ..... of District ..... of State Kerala.

പേര്/Name.....ആൺ/പെൺ/Sex.....

മരണ തീയതി/Date of Death .....മരണ സ്ഥലം/ Place of Death

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

..... മാതാവിന്റെ പേര്/Name of Mother ..... പിതാവിന്റെ /ഭർത്താവിന്റെ പേര്/ Name of Father/Husband.....

മരിച്ച വ്യക്തിയുടെ മരണസമയത്തെ മേൽവിലാസം Address of the deceased at the time of death	മരിച്ച വ്യക്തിയുടെ സ്ഥിരമായ മേൽവിലാസം Permenant address of deceased ....
രജിസ്ട്രേഷൻ നമ്പർ/Registration No.....	രജിസ്ട്രേഷൻ തീയതി/ Date of Registration.....

അഭിപ്രായക്കുറിപ്പ്/Remarks (if any) .....

നൽകുന്ന തീയതി/ Date if issue.....

നൽകുന്ന അധികാരിയുടെ ഒപ്പ് / Signature of the issuing authority

നൽകുന്ന അധികാരിയുടെ മേൽവിലാസം / Address of the issuing authority

സീൽ/SEAL

"Ensure registration of every birth and death"

ഓരോ ജനനവും മരണവും രജിസ്റ്റർ ചെയ്തുവെന്ന് ഉറപ്പുവരുത്തുക]

FORM No. 7

[*See* Rule 12]

BIRTH REGISTER

BIRTH REPORT

Legal information

Form No. 1

This part to be added to the Birth Register

To be filled by the informant

1. Date of Birth: (Enter the exact day, month and year the child was born e.g. 1.1.2000)
2. Sex: (Enter 'Male' or 'Female', do not use abbreviation)
3. Name of the child, if any: (If not named, leave blank)
4. Name of the father: (Full name as usually written)
5. Name of the mother: (Full name as usually written)

*[5A. Permanent address of the parents

5B. Address of the parents at the time of birth of the child]

6. Place of birth: (Tick the appropriate entry 1 or 2 below and give the name of the Hospital/Institution or the address of the house where the birth took-place)
   1. Hospital/ Institution ... Name:
   2. House Address:
7. Informant's name:
   Address:
   (After completing all columns 1 to 20, informant will put date and signature here.)

Date: Signature of left thumb marks of the informant

To be filled by the Registrar

* Inserted by Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

Registration No.: Registration Date:
Registration Unit:
Town/Village: District:
Remarks (if any) Name and Signature of the Registrar.

FORM No. 8

[*See* Rule 12]

Form No. 2

DEATH REGISTER

DEATH REPORT

Legal information

This part to be added to the Death Register

To be filled by the informant

1. Date of Death: (Enter the exact day, month and year the death took place e.g. 1.1.2000)
2. Name of the Deceased: (Full name as usually written)

*[2A. Permanent address of the deceased

2B. Name of Father/Husband

2C. Name of Mother

2D. Address of the deceased at the time of the death]

3. Sex of the deceased: (Enter 'Male' or 'Female' do not use abbreviation)
4. Age of the deceased: (if the deceased was over 1 year of age, give age in completed years. If the deceased was below 1 year of age, give age in months, and if below 1 month give age in completed number of days, and if below one day, in hours.
5. Place of birth: (Tick the appropriate entry 1, 2 or 3 below and give the name of the Hospital/Institution or the address of the house where the death took place. If other place, give location.)

1. Hospital/ Institution — Name:
2. House — Address:
3. Other Place

6. Informant's name:
Address:
(After completing all columns 1 to 17 informant will put date and signature here:)
Date: Signature or left thumb mark of the informant

To be filled by the Registrar

Registration No.: Registration Date:
Registration Unit:
Town/Village: District:
Remarks (if any):

Name and Signature of the Registrar

FORM No. 9

[*See* Rule 12]

STILL BIRTH REGISTER

STILL BIRTH REPORT

Legal information

Form No. 3

This part to be added to the Still Birth Register

To be filled by the informant

1. Date of Birth:

---

* Inserted by S.R.O. No. 208/2007 dt. 06-03-07 published in Kerala Gazette Extraordinary No. 440 dt. 7-3-2007.

(Enter the exact day, month and year e.g. 1.1.2000)

2. Sex: (Enter 'Male' or 'Female' do not use abbreviation)
3. Name of the father:
   (Full name as usually written)
4. Name of the mother:
   (Full name as usually written)
5. Place of birth: (Tick the appropriate entry below and give the name of the Hosptial/ Institution or the address of the house where the birth took place)
   1. Hospital/ Institution — Name:
   2. House — Address:
6. Informant's name:
   Address:
   (After completing all columns 1 to 12 informant will put date and signature here.)

Date: Signature or left thumb mark of the informant

To be filled by the Registrar

Registration No. Registration Date:
Registration Unit:
Town/Village: District:
Remarks: (if any):

Name and Signature of the Registrar

FORM No. 10

[*See* Rule 13]

NON-AVAILABILITY CERTIFICATE

(Issued under Section 17 of the Registration of Births & Deaths Act, 1969)

This is to certify, that search has been made on the request of Shri/Smt/Kum..... son/ wife/daughter of.....in the registration records for the year(s) ..... relating to (Local area)..... of (Tahsil) ..... of (District)..... of (State).....and found that the event relating to the birth/death of.....son/ daughter of..... was not registered.

Date..... Signature of issuing authority
Seal

FORM No. 11

[*See* Rule 14]

SUMMARY MONTHLY REPORT OF BIRTHS

1. Report for the Month of..... year.....
2. District:
3. Town/village:
4. Registration Unit:
5. Number of Births Registered:
   (a) Within one year of their Occurrence:
   (b) After one year of their Occurrence:

Total* (a+b)

* Total should be equal to the number of Birth Report Forms (Form No. 2) attached with this monthly report.

Signature & Name of the Registrar

Dated:

Submitted to the Chief Registrar/District Registrar.

FORM NO. 12

[*See* Rule 14]

SUMMARY MONTHLY REPORT OF *DEATHS

1. Report for the Month of..... year.....
2. District:
3. Town/village:
4. Registration Unit:
5. Details of Deaths Registered during the Month:

Deaths			Infant Deaths	Maternal Deaths
Registered within one year of occurrence	Registered after one year of occurrence	Total*		
(1)	(2)	(3)	(4)	(5)

Note:— Infant Material Deaths should also be included in the Deaths.

*The Number of Statistical Reporting Form (Form No. 4) attached should be equal to the number of deaths registered.

Signature & Name of the Registrar.

Dated:

Submitted to the Chief Registrar/District Registrar.

FORM NO. 13

[*See* Rule 14]

SUMMARY MONTHLY REPORT OF STILL BIRTHS

1. Report for the Month of..... year.....
2. District:
3. Town/Village:
4. Registration Unit:
5. Number of Still Births Registered*

* Number of Still Births Registered should be equal to the number of Still Birth Report Forms (Form No. 3) attached with this monthly report.

Signature & Name of the Registrar.

Dated:

Submitted to the Chief Registrar/District Registrar.

TABLE A - 1
Population, Registration Units, Monthly Returns Due and Received
(Rural Areas)

Sl.No.	District	Population as per last Census		No.of Registration Units	No.of Monthly Returns Due	No.of Monthly Returns not Received	Estimated mid-year population	
		Actual	Adjusted for Incomplete Receipt of Returns				Total	Adjusted for Incomplete Receipt of Returns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
State Total								

TABLE A - 2
Population, Registration Units, Monthly Returns Due and Received
(Urban Areas)

Sl.No.	District	Population as per last Census		No. of Registration Units	No. of Monthly Returns Due	No. of Monthly Returns not Received	Estimated mid-year population	
		Actual	Adjusted for Incomplete Receipt of Returns				Total	Adjusted for Incomplete Receipt of Returns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
State Total								

State Total

TABLE B-1
Live Births by Place of Occurrence, Districts (Rural & Urban) and Towns with Population One Lakh and above

Sl. No.	District		Births by place of Occurence			Place of Residence of Mother		Place of Residence Outside the State
			M	F	T	Within the Area	Outside the Area	
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)
1.	Disrtict -1	R						
		U						
		T						
	Towns with population one lakh and above							
	Town-1							
	Town-2							
2.	District-2							
	State Total--	R						
		U						
		T						

TABLE B-2
Live Births by Place of Residence, Districts (Rural & Urban) and Towns with Population One Lakh and above

Sl. No.	District		Births by place of Residence of Mother			Birth Rate	Place of Residence of Mother	
			M	F	T		Within the Area	Outside the Area
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)
1.	Disrtict -1	R						
		U						
		T						
	Towns with population one lakh and above							
	Town-1							
	Town-2							
2.	District-2							
	State Total--	R						
		U						
		T						

TABLE B-3
Time Gap in Registration of Live Births (Rural & Urban)

Sl. No.	District	Rural								Urban							
		Number of Live Births Registered								Number of Live Births Registered							
		Delayed Registration								Delayed Registration							
		Within Prescribed Time Limit		Within 30 days		After 30 days but within 1 year		After 1 year		Within Prescribed Time Limit		Within 30 days		After 30 days but within 1 year		After 1 year	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
State total																	

TABLE B-4

Live Births by Sex and Month of Occurrence

Sl. No.	District	Sex	Months												Total
			January	February	March	April	May	June	July	August	September	October	November	December	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
		M													
		F													
		T													
State Total		M													
		F													
		T													

TABLE B-5
Live Births by Type of Attention at Delivery (Rural & Urban)

Rural/Urban	Type of Attention at Delivery						
	Institutional		Doctor, Nurse and Trained Midwife	Traditional Birth Attendant	Relatives and Others	Not Stated	Total
	Government	Private and Non-Government					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Rural							
Urban							
(i) Towns with population one lakh and above							
Town - 1							
Town - 2							
(ii) All other Urban areas							
Urban Total							
State Total							

TABLE B-6

Live Births by Method of Delivery and Type of Institution for Institutional Births (Rural & Urban)

Method of Delivery	Type of Institution								
	Government Hospital			Private and Non-Government			Total		
	R	U	T	R	U	T	R	U	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Natural									
Caesarean									
Forceps/Vaccum									
Not Stated									
State Total									

TABLE B-7

Live Births by Age of the Mother and Birth Order (Rural & Urban)

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All Areas/Rural Areas/Urban Areas															
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Age not stated															
Total															

TABLE B-8

Live Births by Birth Order and Age of the Mother for Towns with Population 1 Lakh and above

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Age not stated															
Total															

TABLE B-9

Live births by Age and Level of Education of the Mother (Rural & Urban)

Age of Mother	Level of education of the Mother						
	Illiterate	Below Primary	Primary but below Matric	Matric but below Graduate	Graduate & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Below 15							
15 - 19							
20 - 24							
25 - 29							
30 - 34							
35 - 39							
40 - 44							
45 & above							
Age not stated							
Total							

TABLE B-10

Live births by Level of Education of the Father and Birth Order (Rural & Urban)

Level of Education of Father	Live Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All Areas/Rural Areas/Urban Areas															
Illiterate															
Below Primary															
Primary but below Matric															
Matric but below Graduate															
Graduate & Above															
Not Stated															
Total															

TABLE B-11

Live Births by Level of Education of the Mother and Birth Order (Rural & Urban)

Level of Education of Mother	Live Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	All Areas/Rural Areas/Urban Areas														
Illiterate															
Below Primary															
Primary but below Matric															
Matric but below Graduate															
Graduate & Above															
Not Stated															
Total															

TABLE B-12

Live Births by age of the Mother and Birth Order for each Level of Education of the Mother (Rural)

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All Educational Levels/Below Primary/Primary but below Matric/Matric but below Graduate/Graduate & Above															
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Not stated															
Total															

All Educational Level also includes the education level not stated

TABLE B-13

Live Births by age of the Mother and Birth Order for each Level of Education of the Mother (Urban)

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All Educational Levels/Illiterate/Below Primary/Primary but below Matric/Matric but below Graduate/Graduate & Above															
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Not stated															
Total															

All Educational Level also includes the education level not stated

TABLE B-14

Live Births by age of the Mother, Birth Order and Religion of the Family (Rural)

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All religions*/ Hindus/ Muslims/ Christians/ Sikhs/ Others**															
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Not stated															
Total															

*Religion not stated have been included in "All religions".
**Minor religious groups have been combined under "Others".

TABLE B-15

Live Births by age of the Mother, Birth Order and Religion of the Family (Urban)

Age of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
All religions*/ Hindus/ Muslims/ Christians/ Sikhs/ Others**															
Below 15															
15 - 19															
20 - 24															
25 - 29															
30 - 34															
35 - 39															
40 - 44															
45 & above															
Not stated															
Total															

*Religion not stated have been included in "All religions".
**Minor religious groups have been combined under "Others".

TABLE B-16

Live Births by Occupation of the Father and Birth Order (Rural & Urban)

Occupation of Father	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	All Areas/ Rural Areas/ Urban Areas														
Profesional, Technical and Related workers															
Administrative, Executive and Managerial workers															
Clerical and related workers															
Sales workers															
Service workers															
Farmers, Fishermen, Hunters, Loggers etc. and Related workers															
Production and other related workers, Transport Equipment Operators and Labourers															
Workers whose Occupation are not elsewhere classified															
Non-workers															
Total															

TABLE B-17

Live Births by Occupation of the Mother and Birth Order (Rural & Urban)

Occupation of Mother	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	All Areas/ Rural Areas/ Urban Areas														
Profesional, Technical and Related workers															
Administrative, Executive and Managerial workers															
Clerical and related workers															
Sales workers															
Service workers															
Farmers, Fishermen, Hunters, Loggers etc. and Related workers															
Production and other related workers, Transport Equipment Operators and Labourers															
Workers whose Occupation are not elsewhere classified															
Non-workers															
Total															

TABLE B-18

Live Births by Duration of Marriage of the Mother and Birth Order (Rural & Urban)

Duration of Marriage (in years)	Birth Order														
	1	2	3	4	5	6	7	8	9	10	11	12	13 & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	All Areas/ Rural Areas/ Urban Areas														
0-4															
5-9															
10-14															
15-19															
20-24															
25-29															
30 & above															
Not stated															
Total															

TABLE B-19

Live Births by Duration of Marriage and Age of the Mother (Rural & Urban)

Duration of Marriage (in years)	Age of Mother									
	Below 15	15-19	20-24	25-29	30-34	35-39	40-44	45 & above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	All Areas/ Rural Areas/ Urban Areas									
0-4										
5-9										
10-14										
15-19										
20-24										
25-29										
30 & above										
Not stated										
Total										

TABLE B-20

Live Births by Duration of Pregnancy and Birth Weight (Rural & Urban)

Duration of Pregnancy (in weeks)	Birth Weight (in Kgs)																				
	Less than 1.500			1.500-2.000			2.000-3.000			3.000-4.000			4.000 +			Not stated			Total		
	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
<32																					
32-36																					
37-39																					
40																					
41 +																					
Not stated																					
Total																					

TABLE B-21

Live Births by Age of the Mother and Birth Weight (Rural & Urban)

Age of Mother (in weeks)	Birth Weight (in Kgs)																				
	Less than 1.500			1.500-2.000			2.000-3.000			3.000-4.000			4.000 +			Not stated			Total		
	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Below 15																					
15 -19																					
20 - 24																					
25 - 29																					
30 - 34																					
35 - 39																					
40 - 44																					
45 & above																					
Not stated																					
Total																					

TABLE B-22

Live Births by Birth Order and Birth Weight (Rural & Urban)

Birth Order	Birth Weight (in Kgs)																				
	Less than 1.500			1.500-2.000			2.000-3.000			3.000-4.000			4.000 +			Not stated			Total		
	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T	R	U	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
1																					
2																					
3																					
4																					
5																					
6																					
7																					
8																					
9																					
10 & above																					
Not stated																					
Total																					

TABLE B-23
Live Births by Method of Delivery and Age of the Mother (Rural & Urban)

Method of Delivery	Age of Mother									
	Below 15	15 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 & above	Not stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	All Areas/ Rural Areas/ Urban Areas									
Natural										
Caesarean										
Forceps/										
Vaccum										
Not stated										
Total										

TABLE D-1

Deaths by Place of Occurrence, districts (Rural & Urban) and Towns with Population One Lakh and above

Sl. No.	District	Deaths by Place of Occurrence			Place of Residence of Deceased		Place of Residence out side the State
		M	F	T	Within the Area	Outside the Area	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	District - 1						
	R						
	U						
	T						
	Town with Population one Lakh and above						
	Town - 1						
	Town - 2						
2.	District - 2						
	R						
	U						
	T						
State Total	R						
	U						
	T						

TABLE D-2

Deaths by Place of Residence, Districts (Rural & Urban) and Towns with Population One Lakh and above

Sl. No.	District	Deaths by Place of Residence			Death Rate	Place of Occurrence of Death	
		M	F	T		Within the Area	Outside the Area
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	District - 1						
	R						
	U						
	T						
	Town with Population one Lakh and above						
	Town - 1						
	Town - 2						
2.	District - 2						
	R						
	U						
	T						
State Total	R						
	U						
	T						

TABLE D-3
Time Gap in Registration of Deaths (Rural & Urban)

Sl No.	District	Rural								Urban							
		Number of Deaths Registered								Number of Deaths Registered							
		Delayed Registration								Delayed Registration							
		Within Prescribed Time Limit		Within 30 days		After 30 days but within 1 year		After 1 year		Within Prescribed Time Limit		Within 30 days		After 30 days but within 1 year		after 1 year	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
State Total																	

TABLE D-4
Deaths by sex and Month of Occurrence

Sl. No.	District	sex	Month												Total
			Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
		M													
		F													
		T													
State Total		M													
		F													
		T													

TABLE D-5

Deaths by Type of Attention at Death (Rural & Urban)

Rural/Urban	Type of Attention at Death			
	Institutional	Medical Attention other than Institution	No Medical Attention	Total
(1)	(2)	(3)	(4)	(5)
Rural				
Urban				
(i) Towns with Population 1 Lakh & above				
Town - 1				
Town - 2				
(ii) All other Urban Areas				
Urban Total				
State Total				

TABLE D-6

Deaths by Age, Sex and Religion of the Deceased (Rural & Urban)

Age	Religion of the Deceased														
	Hindus			Muslims			Christians			Others*			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
						All Areas/ Rural Areas/ Urban Areas									
Below 1 year															
1 - 4															
5 - 14															
15 - 24															
25 - 34															
35 - 44															
45 - 54															
55 - 64															
65 - 69															
70 and above															
Age not Stated															
Total															

*Minor religious group may be classified into others

TABLE D-7

Deaths by Age, Occupation and Sex (Rural)

Occupation of the Deceased	Sex	10-14	15-24	25-34	35-44	45-54	55-64	65-69	70 and above	Age not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Professional, Technical and Related workers	M F T										
Administrative, Executive and Managerial workers	M F T										
Clerical and Related workers	M F T										
Sales workers	M F T										
Service workers	M F T										

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Farmers, Fishermen, Hunters, Loggers etc. and Related workers	M										
	F										
	T										
Production and other related workers, Transport Equipment Operators and Labourers	M										
	F										
	T										
Workers whose Occupation are not elsewhere classified	M										
	F										
	T										
Non-workers	M										
	F										
	T										
Total	M										
	F										
	T										

TABLE D-8

Deaths by Age, Occupation and Sex (Urban)

Occupation of the Deceased	Sex	10-14	15-24	25-34	35-44	45-54	55-64	65-69	70 and above	Age not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Professional, Technical and Related workers	M										
	F										
	T										
Administrative, Executive and Managerial workers	M										
	F										
	T										
Clerical and Related workers	M										
	F										
	T										
Sales workers	M										
	F										
	T										
Service workers	M										
	F										
	T										

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Farmers, Fishermen, Hunters, Loggers etc. and Related workers	M										
	F										
	T										
Production and other related workers, Transport Equipment Operators and Labourers	M										
	F										
	T										
Workers whose Occupation are not elsewhere classified	M										
	F										
	T										
Non-workers	M										
	F										
	T										
Total	M										
	F										
	T										

TABLE D-9

Deaths by Age, Occupation and Sex (All Areas)

Occupation of the Deceased	Sex	10-14	15-24	25-34	35-44	45-54	55-64	65-69	70 and above	Age not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Professional, Technical and Related workers	M										
	F										
	T										
Administrative, Executive and Managerial workers	M										
	F										
	T										
Clerical and Related workers	M										
	F										
	T										
Sales workers	M										
	F										
	T										
Service workers	M										
	F										
	T										

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Farmers, Fishermen, Hunters, Loggers etc. and Related workers	M										
	F										
	T										
Production and other related workers, Transport Equipment Operators and Labourers	M										
	F										
	T										
Workers whose Occupation are not elsewhere classified	M										
	F										
	T										
Non-workers	M										
	F										
	T										
Total	M										
	F										
	T										

TABLE D-10

Deaths by Cause of Death, Age and Sex for all Deaths Medically Certified or Not

Sl. No.	Cause of Death	Sex	Age of the Deceased											Total
			Below 1 year	1-4	5-14	15-24	25-34	35-44	45-54	55-64	65-69	70 and above	Age not Stated	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
		M												
		F												
		T												
	Total	M												
		F												
		T												

TABLE D-11

Deaths by Cause of Death, Age and Sex for all Medically Certified Deaths

Sl. No.	Cause of Death	Sex	Age of the Deceased											Total
			Below 1 year	1-4	5-14	15-24	25-34	35-44	45-54	55-64	65-69	70 and above	Age not Stated	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
		M												
		F												
		T												
	Total	M												
		F												
		T												

TABLE D-12

Infant Deaths by place of Occurrence, Districts (Rural & Urban) and Towns with Population One Lakh and above

Sl.No.	District		Deaths by place of Occurrence			Place of Residence of Mother		Place of Residence Outside the State
			M	F	T	Within the Area	Outside the Area	
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)
1.	District-1	R						
		U						
		T						
	Town with Population one lakh and above							
	Town-1							
	Town-2							
2.	District-2	R						
		U						
		T						
State Total		R						
		U						
		T						

TABLE D-13

Infant Deaths by Place of Residence, Districts (Rural & Urban) and Towns with Population One Lakh and above

Sl.No.	District		Deaths by place of Residence of Mother			Infant Mortality	Place of Occurrence	
			M	F	T	Rate	Within the Area	Outside the Area
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)
1.	District-1	R						
		U						
		T						
	Towns with Population one lakh and above							
	Town-1							
	Town-2							
2.	District-2	R						
		U						
		T						
State Total		R						
		U						
		T						

TABLE D-14

Infant Deaths by Age and Sex (Rural & Urban)

Sl. No.	Age	Rural			Urban			All Areas		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	7 days									
2.	7 days - 28 days									
3.	28 days - 1 year									
4.	Age not stated									
	Total									

TABLE D-15

Pregnancy Related Deaths by Age Group of the Deceased and Cause of Death for Medically Certified Deaths (Rural & Urban)

Cause of Death	Age of the Deceased								Not Stated	Total
	Below 15	15-19	20-24	25-29	30-34	35-39	40-44	45 & above		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
All Areas/ Rural Areas/ Urban Areas										
Total										

TABLE D-16

Pregnancy Related Deaths by Age Group of the Deceased and Cause of Death for all Deaths Medically Certified or Not (Rural & Urban)

Cause of Death	Age of the Deceased									
	Below 15	15-19	20-24	25-29	30-34	35-39	40-44	45 & above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
All Areas/ Rural Areas/ Urban Areas										
Total										

TABLE D-17

Pregnancy Related Deaths by Age and Level of Education (Rural & Urban)

Age	Level of Education						
	Illiterate	Below Primary	Primary but below Matric	Matric but below Graduate	Graduate & Above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Rural Areas/ Urban Areas/ All Areas							
Below 15							
15-19							
20-24							
25-29							
30-34							
35-39							
40-44							
45 & Above							
Not Stated							
Total							

TABLE D-18

Pregnancy Related Deaths by Age and Occupation (Rural & Urban)

Occupation of the Deceased	Age of the Deceased									
	Below 15	15-19	20-24	25-29	30-34	35-39	40-44	45 and above	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	All Areas/ Rural Areas/ Urban Areas									
Professional, Technical and Related workers										
Administrative, Executive and Managerial workers										
Clerical and Related workers										
Sales workers										
Service workers										
Farmers, Fishermen, Hunters, Loggers etc. and Related workers										
Production and other related workers, Transport Equipment Operators and Labourers										
Workers whose Occupation are not elsewhere classified										
Non-workers										
Total										

Sl. No.	(1)

Sl. No.	(1)

TABLE D-19

Deaths by Selected Cause of Death, Age, Sex and Habit (Rural)

Sl. No.	Selected Cause of Death	Sex	Age Group								
			Below 15	15-24	25-34	35-44	45-54	55-64	65-69	70 & Above	Age Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	M F T	Only Smoking/ Only Chewing Tobacco/ Only Chewing Arecanut/ Only Drinking Alcohol/ Smoking and Chewing Tobacco/ Smoking and Chewing Arecanut/Smoking and Drinking Alcohol/ Chewing Tobacco and Arecanut/ Chewing Tobacco and Drinking Alcohol/ Chewing Arcanut and Drinking Alocohol/ Smoking, Chewing Tobacco and Arecanut/ Smoking, Chewing Tobacco and Drinking Alcohol/Smoking, Chewing Arecanut and Drinking Alcohol/ Chewing Tobacco, Arecanut and Drinking Alcohol/ All Habit/ Habit not known.									

TABLE D- 20

Deaths by Selected Cause of Death, Age, Sex and Habit (Urban)

Sl. No.	Selected Cause of Death	Sex	Age Group								
			Below 15	15-24	25-34	35-44	45-54	55-64	65-69	70 & Above	Age Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	M F T	Only Smoking/ Only Chewing Tobacco/ Only Chewing Arecanut/ Only Drinking Alcohol/ Smoking and Chewing Tobacco/ Smoking and Chewing Arecanut/Smoking and Drinking Alcohol/ Chewing Tobacco and Arecanut/ Chewing Tobacco and Drinking Alcohol/ Chewing Arcanut and Drinking Alocohol/ Smoking, Chewing Tobacco and Arecanut/ Smoking, Chewing Tobacco and Drinking Alcohol/Smoking, Chewing Arecanut and Drinking Alcohol/ Chewing Tobacco, Arecanut and Drinking Alcohol/ All Habit/ Habit not known.									

TABLE D- 21

Deaths by Selected Cause of Death, Age, Sex and Habit (All Areas)

Sl. No.	Selected Cause of Death	Sex	Age Group									Total
			Below 15	15-24	25-34	35-44	45-54	55-64	65-69	70 & Above	Age Not Stated	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
		M	Only Smoking/ Only Chewing Tobacco/ Only Chewing Arecanut/ Only Drinking Alcohol/ Smoking and Chewing Tobacco/ Smoking and Chewing Arecanut/Smoking and Drinking Alcohol/ Chewing Tobacco and Arecanut/ Chewing Tobacco and Drinking Alcohol/ Chewing Arcanut and Drinking Alocohol/ Smoking, Chewing Tobacco and Arecanut/ Smoking, Chewing Tobacco and Drinking Alcohol/Smoking, Chewing Arecanut and Drinking Alcohol/ Chewing Tobacco, Arecanut and Drinking Alcohol/ All Habit/ Habit not known.									
		F										
		T										

TABLE S-1

Still Births by Place of Occurrence in Districts (Rural & Urban)

Sl. No.	Disrtict	Still Births by Place of Occurrence			Place of Residence of Mother		Place of Residence outside the State
		M	F	T	Within the Area	Outside the Area	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
State Total		R					
		U					
		T					

TABLE S-2

Still Births by Place of Residence in Districts (Rural & Urban)

Sl. No.	Disrtict	Still Births by place of Residence of Mother			Still Birth Rate	Place of Occurence of Still Births	
		M	F	T		Within the Area	Outside the Area
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
State Total		R					
		U					
		T					

TABLE S-3

Still Births by Sex and Age of the Mother (Rural & Urban)

Age of Mother	Still Births								
	Rural Areas			Urban Areas			All Areas		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Below 15 years									
15-19									
20-24									
25-29									
30-34									
35-39									
40-44									
45 & above									
Age not Stated									
Total									

TABLE S-4

Still Births by Sex and Duration of Pregnancy (Rural & Urban)

Duration of Pregnancy (in weeks)	Still Births								
	Rural Areas			Urban Areas			All Areas		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<32									
32-36									
37-39									
40									
41+									
Not Stated									
Total									

TABLE S-5

Still Births by Sex and Type of Medical Attention Received at Delivery (Rural & Urban)

Rural Urban	Type of Attention at Delivery						
	Institutional						
	Government	Private and Non-Govern-ment	Doctor, Nurse and Trained Midwife	Traditional Birth Attendant	Relatives and others	Not Stated	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Rural							
Urban							
(i) Towns with Population one Lakh & above							
Town - 1							
Town - 2							
(ii) All other Urban Areas							
Urban Total							
State Total							

Still Births by (ge of the Mother

Sl. No.	Cause of Still Births	Below 15	15-19	2	40-44	45 and above	Age not Stated	Total
(1)	(2)	(3)	(4)		(9)	(10)	(11)	(12)
			R		reas			
	Total							

Still Births by Age of the Mother

Sl. No.	Age of Mother	Below 32	D	eks)	0	41+	Not Stated	Total
(1)	(2)	(3)			(6)	(7)	(8)	(9)
			R		Areas			
	Total							

NOTIFICATIONS

COMMENCEMENT OF THE ACT

The Registration of Births and Deaths Act, 1969 shall come into force on 1-4-1970 in the whole of the following States and Union Territories, namely; 1. Andra Pradesh; 2. Bihar; 3. Gujarat; 4. Haryana; 5. Kerala; 6. Madhya Pradesh; 7. Maharashtra; 8. Mysore; 9. Orissa; 10. Punjab; 11. Rajasthan; 12. Tamil Nadu; and 13. Uttar Pradesh. and 1. Chandigarh; 2. Dadra and Nagar Haveli; 3. Himachal Pradesh and 4. Laccadive, Minicoy and Aminidivi Islands, Union Territories. (Published in Gazette of India dated 21st March, 1970)

DIRECTOR OF PANCHAYAT NOTIFIED AS CHIEF REGISTRAR

S.R.O. No. 144/70.— In exercise of the powers conferred by Sub-Section (1) of Section 4 of the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969) the Government of Kerala hereby appoint the Director of Panchayats, to be the Chief Registrar for the State of Kerala for the purposes of the said Act. (Published in Kerala Gazette No. 115 dt. 31-3-1970 as G.O. Ms. 73/70/DD, dt. 31-03-1970)

DISTRICT PANCHAYAT OFFICERS NOTIFIED AS DISTRICT REGISTRARS

S.R.O. No. 145/70.— In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969) the Government of Kerala hereby appoint the District Panchayat Officers to be the District Registrars of the respective revenue Districts for the purpose of the said Act.

NOTIFICATION UNDER SECTION 7(1) - APPOINTING CERTAIN OFFICERS TO BE THE REGISTRAR FOR CERTAIN LOCAL AREAS

S.R.O. No. 146/70.— In exercise of the powers conferred by Sub-Section (1) of Section 7 of the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969), the Government of Kerala hereby appoint the officers specified in column (2) of the schedule below to be the Registrars for the local areas comprising the areas within the jurisdiction of the local authorities specified in column (1) thereof.

SCHEDULE

	(1)	(2)
1.	Corporation functioning under the Kerala Municipal Corporations Act, 1961 (30 of 1961).	*[Health Officer of the Corporation concerned.]
2.	Municipalities functioning under the Kerala Municipalities Act, 1960 (14 of 1961)	Commissioners of the Municipalities concerned
3.	Guruvayur Township	Executive Officer of the Township
4.	Panchayats functioning under the Kerala Panchayats Act, 1960 (32 of 1961)	Executive Officers of the Panchayats concerned.

REGISTRAR NOTIFIED FOR CANNANORE CANTONMENT

S.R.O. No. 208/70.— In exercise of the powers conferred by Sub-Section (1) of Section 7 of the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969), the Government of Kerala hereby appoint the Executive Officer of the Cannanore Cantonment area to be the Registrar for the said local area. [G. O. MS. No. 113/70/DD. Dt. Trivandrum 21-5-1970, Kerala Gazette, Dt. No. 21/26th May 1970 Section iv, Development Department C Panchayat special]

DISTRICT PANCHAYAT OFFICERS AUTHORISED

S. R. O. No. 423/70.— Under Sub-rule (2) of Rule 10 of the Kerala Registration of Births and Deaths Rules, 1970 the Government of Kerala hereby prescribed that the District Panchayat Officers shall be the Officers authorised to grant permission under the said sub-rule, within their respective jurisdiction. [G. O. Ms. No. 77/70/LAD, Dt. 5-12-1970, Published in Kerala Gazette No. 49 dated 8th December 1970]

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* Substituted by S.R.O. No. 388/71 dt. 14-10-71.

DISTRICT PANCHAYAT OFFICERS AUTHORISED UNDER RULE 11 (1)

S. R. O. No. 424/70.— Under clause (b) of Sub-Rule (1) of Rule 11 of the Kerala Registration of Births and Deaths Rules, 1970 the Government of Kerala hereby specify that the District Panchayat Officers shall be the Officers authorised to make the entry under the said sub-clause, within their respective jurisdiction.

DISTRICT PANCHAYAT OFFICERS AUTHORISED UNDER RULE 18 (3)

SRO. No. 426/70.— Under Sub-rule (3) of Rule 18 of Kerala Registration of Births and Deaths Rules, 1970, the Government of Kerala hereby specify that the District Panchayat Officers shall be the Officers authorised to keep the register of births and deaths and the forms relating to the entries therein under safe custody under the said sub-rule, within their respective jurisdiction.

ADDITIONAL DIRECTOR, BUREAU OF ECONOMICS AND STATISTICS AUTHORISED

I

S. R. O. No. 80/71.— Under Sub-rules (1), (2), (3) and (5) of Rule 12 of the Kerala Registration of Births and Deaths Rules 1970 and in supersession of the notification issued as S. R. O. No. 425/70 and published in the Gazette No. 49, dated the 8th December, 1970 the Government of Kerala hereby specify that the Additional Director, Bureau of Economics and statistics, Trivandrum shall be the Officer authorised:-

(1) to receive (he extract of the entry mentioned in the said sub rule (1);
(2) to receive the report mentioned in the said sub rule (2);
(3) to countersign the correction under the said sub rule (3) and
(4) to receive the report mentioned in the said sub rule (5)

II

ADDITIONAL DIRECTOR AND THE DEPUTY DIRECTOR (VITAL STATISTICS) APPOINTED AS ADDITIONAL CHIEF REGISTRAR

S. R. O. No. 81/71. — In exercise of the powers conferred by Sub-section (2) of Section 4 of the Registration .of Births and Deaths Act, 1969 (Central Act 18 of 1969) the Government of Kerala hereby appoint the Additional Director and the Deputy Director (Vital Statistics) Bureau of Economics and Statistics to be the Additional Chief Registrar and the Deputy Chief Registrar respectively for the purpose of discharging under the superintendence and Control of the Chief Registrar, such of the power of the Chief Registrar as he may from time to time delegate to them.

III

SENIOR RESEARCH ASSISTANTS APPOINTED AS ADDITIONAL DISTRICT REGISTRARS

S. R. O. No. 82/71.— In exercise of the powers conferred by sub-section (1) of Section 6 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) the Government of Kerala hereby appoint the Senior Research Assistants in the District Statistical Officers as Additional District Registrars of the respective revenue Districts for the purpose of discharging subject to general control and direction of the District Registrar, such functions of the District Registrar, as he may from time to time, delegate to them. [J. 1713, No. VS. 22836/70, G. O. Ms. 140/71/LAD., Dt. 9-9-1971. Published in Kerala Gazette No. 37 dt.21-9-71]

DISTRICT PANCHAYAT OFFICERS TO ISSUE CERTIFIED EXTRACTS

S. R. O. No. 347/71.— In exercise of the powers conferred by Sub-Section (2) of Section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) read with Sub-rule (2) of Rule 14 of the Kerala Registration of Births and Deaths Rules, 1970, the Government of Kerala hereby authorise the District Panchayat Officers to issue certified extracts of births or deaths after one year of their occurrence in the area within their respective jurisdiction except the area within the jurisdiction of Municipal Corporations

CLASS I AND CLASS II OFFICERS TO ATTEST AFFIDAVITS

SRO. 348/71.— Under Sub-Section (2) of Section 13 of the Registration of Births and Deaths Act, 1969 (Central Act of 18 of 1969), the Government of Kerala hereby authorise the Class I and Class II Officers of the State Government to attest affidavits required under the said Sub-Section.

COMMISSIONERS OF CORPORATIONS AUTHORIED UNDER RULE 10(2)

S. R. O. No. 389/71.— Under Sub-rule (2) of Rule 10, of the Kerala Registration of Births and

having jurisdiction over the local area to collect the information of vital events occurring in the tribal areas and to transmit the information to the concerned Registrar within the specified time under Section 8(4) of and Section 8(2) of the Registration of Births and Deaths Act, 1969. Government have decided to empower the Village Extension Officers of National Extension Service Blocks, the family planning Health Assistants and the Auxiliary Nurse cum Midwives working under the family planning programme to act as informants of vital events occurring among the Schedule Tribes in the Tribal areas. This notification is intended to achieve the above purpose. [CIRCULAR J. 2522, GOVERNMENT OF KERALA LOCAL ADMINISTRATION AND SOCIAL WELFARE (C) DEPARTMENT., G.O. (Ms) No. 72/77/LA&SWD, dt. Trivandrum, 4-3-1977]

NOTIFICATION UNDER SECTION 24(1)

CIRCULAR J.2611

NOTIFICATION NO. B1-4847/77 DATED 1.10.1977 OF THE CHIEF REGISTRAR/DIRECTOR OF PANCHAYATS IS EXTRACTED BELOW FOR THE INFORMATION OF ALL CONCERNED.

NOTIFICATION

I

Director of Panchayats by virtue of the powers vested in him under Section 24(1) of the Registration of Births and Deaths Act, 1969 (No. 18 of 1969) the Director of Panchayats and Chief Registrar of Births and Deaths in supersession of the notification No. VS. 30861/70 dated 2.10.1970 published inn Kerala Gazette No. 43 dated 27.10.1970 hereby authorise the officers mentioned in column 1 of the schedule below to compound offences taking places in their respective jurisdiction described in column 2 thereof and punishable under the Registration of Births and Deaths Act 1969 (No. 18 of 1969} subject to the conditions laid down under rules 17 (1) and 17 (2) of the Kerala Registration of Births and Deaths Rule 1970.

SCHEDULE

Officers authorised to compound offences	Jurisdiction of the Officer
1	2
1. Executive Officer/Registrar of Births and Deaths of Panchayats.	The respective Panchayat areas to which they are appointed as Executive Officer/ Registrar of Births and Deaths.
2. Executive Officer/Registrar Births and Deaths, Cantonment Board, Cannanore.	Cantonment area Cannanore.
3. Health Inspector/ Registrar of Births and Deaths, Township, Guruvayur.	Township area of Guruvayur.
4. Health Inspector/Registrar of Births and Deaths in the Municipalities.	The respective municipal areas to which they are appointed as Health Inspector/ Registrar of Births and Deaths.
5. Health Officers of Municipal Corporations/ Registrars of Births and Deaths	Respective Municipal Corporation areas to which they are appointed as Health Officers/Registrar of Births and Deaths

II

By virtue of the powers vested in him under Section 25 of the Registration of Births and Deaths Act 1969 (No. 18 of 1969) the Director of Panchayats/Chief Registrar of Births and Deaths in supersession of the notification issued as No. Vs. 30861/70/dated 2.10.1970 published in government Gazette No. 43 dated 27.10.1970 do hereby authorise the Officers mentioned in column 1 of the Scheduled below to institute prosecution of Offences taking place in their respective areas mentioned in Column 2 thereof and punishable under the Registration of Births and Deaths Act 1969 (18 of 1969)

SCHEDULE

Name of Officers	Area for which the officers mentioned in column 1 are appointed
1	2
1. Executive Officer/Registrar of Births and Deaths of Panchayats.	The respective Panchayat areas to which they are appointed as Executive Officer/ Registrar of Births and Deaths.
2. Executive Officer/Registrar Births and Deaths, Cantonment Board, Cannanore.	Cantonment area Cannanore.

3. Health Inspector/ Registrar, of Births and Deaths, Township Guruvayur.	Township area of Guruvayur.
4. Health Inspector/Registrar of Births and Deaths in the Municipalities.	The respective municipal area to which they are appointed as Health Inspector/ Registrar of Births and Deaths.
5. Health Officers of Municipal Corporations/ Registrars of Births and Deaths	Respective Municipal Corporation areas to which they are appointed as Health Officers/Registrar of Births and Deaths

Explanatory Note

The above Notification is intended to empower the Registrars of births and deaths to Act upon the powers U/s 24 and 25 of the Registration of Births and Deaths Act, 1969. (No. 18 of 69) [DEPARTMENT OF PANCHAYAT, No. B1-4847/77, Dt. Trivandrum. 1.10.1977]

NOTIFICATION UNDER SECTION 10 (I) (III)

Copy of G. O. Ms. No. 233/79/dated 5-10-1979 from Local Administration and Social Welfare (c) Department is extracted below for information of all concerned.

GOVERNMENT NOTIFICATION

S.R.O. No. 1197/79.— Under Clause (iii) of Sub-section (i) of Section 10 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969), the Government of Kerala hereby specify Pastors of Churches as notifiers of Births & Deaths events occurring within their respective parishes and the Caretakers of Cemeteries as notifiers of death events in cases of dead bodies attended to by them to the concerned Registrar of Births and Deaths within the time limit prescribed under the Kerala Registration of Births and Deaths Rules 1970. [CIRCULAR J. 2877, G.O.(Ms.) No. 233/79, Dt, Trivandrum 5-10-1979]

NOTIFICATION UNDER RULE 18 (3) SPECIFYING TALUK PANCHAYAT OFFICERS

S.R.O. No. 225/81.— Under the Sub-rule (3) of rule 18 of Kerala Registration of Births and Deaths Rule, 1970, and in supersession of the notification IV issued in G.O. Ms. No. 77/70/LAD/dated the 5th December, 1970 and published as SRO No. 426/70 in the Kerala Gazette No. 49 dated the 8th December, 1970, the Government of Kerala hereby specify the Taluk Panchayat Officers as the Officers authorised to keep the register of births and deaths and the forms relating to the entries therein Under safe custody under the said sub-rule, within their respective jurisdictions. [Published in Kerala Gazette No. 8 dt. 24-2-1981, G.O.(MS) No. 14181/LA&WSWD/ Dt. Trivandrum 20-1-1981]

NOTIFICATION UNDER S. 10 (1) (III) - PERSONS TO NOTIFY BIRTH & DEATH

S.R.O. No. 96/82.— Under Clause (iii) of sub-section (1) of Section 10 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969), the Government of Kerala hereby specify the Auxiliary Nurse-cum-Midwives in the field, Basic Health Workers, Health Assistants and the Family Welfare Health Assistants of the Health Services Department as persons to notify birth or death or both which occurs in the areas under their respective jurisdiction coming to their notice to the concerned Registrar of Births and Deaths through the Officers under whom they are working. [Published in Kerala Gazette No. 4 dated 26-1-1982, G.O. Ms. No. 218/81/LA&SWD, Dt. Trivandrum 7-12-1971]

REGISTRATION OF BIRTH AND DEATH - ISSUE OF EXTRACTS - POWERS TO TALUK PANCHAYAT OFFICERS - NOTIFICATION

G. O. (Ms) No. 23/81/LA&SW (C) Department, dated 29th February 1982 is extracted below for information of all concerned.

S.R.O. No. 245/82.— In exercise of the powers conferred by sub-section (2) of Section 17 of the Registration of Births and Deaths Act 1969 (Central Act 18 of 1969), read with sub-rule (2) of rule 14 of the Kerala Registration of Births and Deaths Rules, 1970 the Government of Kerala hereby authorise the Taluk Panchayat Officers to issue extracts relating to Births and Deaths within their respective jurisdiction.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport) Government vice G.O. (Ms) 104/80/LA&SWD, dated 5th May 1980 have delegated certain powers of the Taluk Panchayat Officers which include the powers with regard to keeping of Births and Deaths registers and related records and issue of certificates under section 17 of the Act, 1969. Government in their notification No. G.O. (Ms) No. 14/81/LA&SWD dated 20th January 1981 and published as S.R.O. No. 225/81 in the Kerala Gazette No. 8 dated February 1981 authorised the Taluk Panchayat Officers to keep the register

of Births and Deaths and forms relating to the entries therein under safe custody. It has therefore become necessary to specify the Taluk Panchayat Officers as officers authorised to issue of extracts under Section 17 of the Act. This is intended to achieve the above object. [CIRCULAR J. 3372, No. B1-14291/80]

OFFICERS AUTHORISED TO CERTIFY THE EXTRACTS

S.R.O. No. 95.— In exercise of the powers conferred by sub-section (2) of Section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969), the Government of Kerala hereby authorise the officers mentioned in column (1) of the Schedule hereto certify the extracts from the register relating to births and deaths in respect of the area noted against each in column (2) thereof, namely:-

SCHEDULE

	Designation of the Officer.	Area
	(1)	(2)
(1)	Health Supervisor, Kochi Municipal Corporation.	Ernakulam region of Kochi Municipal Corporation.
(2)	Assistant Health Officer of Kochi Municipal Corporation Region.	Mattancherry region of Kochi Municipal Corporation.

[Endt. No.B2-30047/94/K.Dis. Dated: 3.11.1994., Local Administration (C) Department, G.O. (MS) No. 3/95/LAD, Dt, Thiruvananthapuram 18.1.1995]

GOVERNMENT ORDERS

REGISTRATION OF BIRTHS AND DEATHS - DELAYED REPORTS - PENALTY WAIVING OF - ORDERS

Copy of G.O. Rt. 1382/75/LA & SWD dated 11-7-1975 is extracted below for the information of all concerned.

Sub:- Registration of births and deaths - delayed report penalty waiving of - orders issued -

Read:- 1. Letter No. A3-12689/73/MCK dated 6-3-1974 from the Principal Medical College, Kottayam.

2. Letter No. RBDI-4915/74 dated 17-8-1974 and 9-1-1975 from the Director of Panchayats.

1. The Superintendent, Medical College Hospital, Kottayam has reported 784 Births events and 177 Death events to the Commissioner Municipal Council, Kottayam for registration, after the time limit prescribed in the Kerala Registration of Births and Deaths Rules, 1970 for reporting such vital events. As these reports are delayed, and the Superintendent, Medical College Hospital, Kottayam has not remitted the prescribed late fee, the events are still pending registration. The Principal, Medical College, Kottayam in his letter read above has requested Government to waive the above penalty as a special case.

2. The Chief Registrar of Births and Deaths in his letters read above has reported that there are similar issues in a number of local bodies. He has also stated that the inter Departmental Committee on vital statistics met on 26.7.1974 has decided to request Government to condone the delay caused till that date in all local bodies in registering birth and death.

3. In the Registration of Births and Deaths Act, 1969 or the Rules framed thereunder, there is no provision to excuse or condone the delay. As per the rules, in all delayed cases, the informants (the Medical Officers) where deaths and births have taken place, are liable for prosecution and remittance of fine, which may create hardship to the informants and consequent pressure on Government for condonation of the delay. Moreover if rules are enforced as mentioned above, registration will also be delayed till these cases are disposed of. This will lead to considerable hardship to the public in not getting the cases registered.

4. Since the Act is only recently introduced, taking a lenient view, and in consultation with the Director of Panchayats Government are pleased to waive the late fee in respect of all cases of births and deaths pending registration as on 31-12-1974 by the local authorities. [CIRCULAR J. 2262 No. B1-4915/75]

APPOINTMENT OF HEALTH INSPECTORS - CLARIFICATION - ISSUED

Copy of G.O. Rt. No. 1477/76/LA&SWD dated 16-6-1976 is extracted below for the information of all concerned.

Sub:- Registration of Births and Deaths, Act, 1969 - Appointment of Health Inspectors of municipalities/Township as Registrar of Local areas - clarification issued.

Read:- 1. Letter No. H2-1557/76 dated 23-3-1976 from the Commissioner, Tellicherry Municipality.

2. Letter No. H3-1693/76 dated 1-4-1976 from the Commissioner, Kottayam Municipality.

As per notification issued in G.O. MS. 242/75/LA&SWD dated 24-11-1975, the Health Inspectors of Municipalities/Township concerned were appointed under Section 7(1) of the Registration of Births and Deaths Act 1969 as Registrars of Local areas under their respective jurisdiction. It is noticed that in Municipalities having more than one Health Inspectors difficulties are being experienced in implementing the above order. As there could only be one Registrar for a local body, doubts may arise regarding the appointment of Registrars in a Municipality/Township where there are more than one Health Inspectors.

2. Government have examined the matter in detail and order that in the case of Municipalities/ Township where the number of Health Inspectors exceeds one, the senior most Health Inspector will be authorised to exercise the duties and functions of the Registrars of the local areas under their respective jurisdiction. [No. B1-20110/74, CIRCULAR J. 2404]

REGISTRATION OF BIRTHS AND DEATHS - RECOMMENDATION OF THE SEMINAR ON BIRTHS AND DEATHS - ACCEPTED - ORDERS ISSUED

Copy of G. O. Rt. 2136/80/LA&SWD dated 5-7-1980 from Government of Kerala, Local Administration and Social Welfare (C) Department is extracted below for information of all concerned.

Sub:- Registration of Births and Deaths - Recommendation of the Seminar on Births and Deaths held on 6-1-1976 at Trichur - Accepted - orders issued.

Read:- Letter No. B1-34764/79 dated 18-2-1980 from the Director of Panchayats.

The Births and Deaths Seminar held on 6-1-1979 at Trichur has decided that the employees, who by their honest efforts bring the defaulters (people who do not register vital events of births and deaths) to book deserves recognition and encouragement. For this purpose the Seminar has recommended that outstanding work in this direction deserves incentive awards. The Director of Panchayats in his letter referred to above has suggested that it is possible to award a "Good Service Entry" to those employees who detect at least 50 cases per year.

2. Government are pleased to accept the suggestion of the Director of Panchayats and order that those employees of the Panchayats, municipalities and corporations who detect at least 50 cases of defaulters per year will be awarded "Good Service Entry." [CIRCULAR J. 3091, No. B 1.34764/79]

CO-ORDINATION COMMITTEES CONSTITUTED - ORDERS

Co-ordination committees - constituted - orders issued

Copy of G.O. (MS) No. 160/82/LA&SWD, dated 20th September 1982 of the Local Administration and Social .Welfare (C) Department is extracted below for information of all concerned.

Read:- Letter No. B1-40411/81, dated 30th September 1981 from the Director of Panchayats.

As recommended by the third Conference of Chief Registrars of Births and Deaths, Government are pleased to constitute District Co-ordination committees in each District of the State to review the Civil registration Programme of the Districts. The constitution of the Committee will be as follows:-

1. The District Registrar (District Panchayat Officer)	Convener
2. The District Medical Officer, Health Services	
3. The District Statistical Bureau of Economics and Statistics (Additional District Registrars)	Members

The District Registrar of Births and Deaths (District Panchayat Officers) will be the convener of the co-ordination committee. The committee will meet every quarter of the year and review the programmes of the Civil Registration and send the proceedings to the Chief Registrar of births and Deaths, the Additional Chief Registrar of Births and Deaths, and the concerned members of the committee. [CIRCULAR J.95, B1-40411/81]

NOMINATION OF MUNICIPAL COMMISSIONER OF THE DISTRICT AS A MEMBER AND DISTRICT MEDICAL OFFICER AS CHAIRMAN - ORDERS.

Copy of G.O. (MS) No. 45/83/LA and SWD, dated 19th April 1983 of Local Administration and Social Welfare (D) department is extracted below for information of all concerned.

Read:- Letter No. B1 40411/81, dated 2nd December 1982 from the Director of Panchayats.

As per G. O. (Ms) No. 160/82/LA&SWD dated 20th September 1982 orders have been issued to constitute the District Level co-ordination committee to review the Civil Registration Programme of the District. In the said Committee the District Panchayat Officer/District Registrar is the Convener and District Medical Officer/Health Services, and district Statistical Officer/Additional District Registrar, Economics and Statistics are the members.

2. The inter-departmental committee on Births and Deaths held on 5th October 1982 has resolved to request Government to include one representative of Municipal Commissioners of the District nominated by the Director of Municipal Administration in the District co-ordination committee of Births and Deaths. It has also been resolved to nominate the District Medical Officer as the Chairman of the Committee in each District.

3. Government have examined the proposal in details and order that the representative of the Municipal Commissioners of the District nominated by the Director of Municipal Administration will also be included as a member to the District level co-ordination Committee and that the District Medical Officer will function as the Chairman of the District Level Co-ordination Committee. [CIRCULAR J. 94, B1-40411/81]

INTER- DEPARTMENTAL COMMITTEE ON VITAL STATISTICS - RECONSTITUTION - ORDERS

Abstract.— Registration of Births and Deaths - Inter- Departmental Committee on Vital Statistics - Reconstitution - orders issued.

Read:- Letter No. D1-5806/83 dated 18-10-85 from the Director of Panchayats.

ORDER

A State Level Inter-Departmental Committee to co-ordinate the programme of implementation of the Births and Deaths Act is functioning now. The Committee at its meeting held on 5-10-82 felt that events takes place in forest areas, tribal areas etc. are not registered properly and promptly. It is, therefore suggested to reconstitute the existing Committee with a view to achieve cent per cent registration of events with a fool proof Machinery for condonation.

2. Government accept the above suggestion and are pleased to reconstitute the Inter-departmental committee with the following members:—

1. Director of Panchayats.
2. Director of Health Services.
3. Director of Economics and Statistics.
4. Additional Director of Economics and Statistics.
5. Director of Municipal Administration.
6. Chief Conservator of Forests.
7. Director of Harijan Welfare.
8. Director of Tribal Welfare.
9. Inspector General of Public (Headquarters)

3. The Director of Panchayats will be the Convener of the Committee.

[LOCAL ADMINISTRATION (C) DEPARTMENT, G.O. (Rt) No. 2208/86/LAD, Dt. Trivandrum, 22-7-1986]

INTER DEPARTMENTAL COMMITTEE ON VITAL STATISTICS - RECONSTITUTED - DIRECTOR OF CENSUS INCLUDED - ORDERS

Abstract.— Registration of Births and Deaths - Inter Departmental Committee on Vital Statistics - Reconstituted - Director of Census included - orders issued.

Read:- 1. G. O. Rt. No. 2208/86/LAD dt. 22-7-1986

2. Letter No. B1 -5806/83 dt. 9-9-1986 from the Director of Panchayats.

ORDER

In the circumstances stated in the letter read as second paper above Government are pleased to nominate the Director of census also in the State level Inter Departmental Committee on Vital Statistics already constituted as per the Government Order read as first paper above.

2. The Director of Panchayats will be the Convener and Chairman of the Committee. [LOCAL ADMINISTRATION (C) DEPT., G. O. Rt. 3138/86/LAD, Dated, Trivandrum, 6-10-80]

GENERAL EDUCATION - BIRTH CERTIFICATES MADE COMPULSORY AT THE TIME OF SCHOOL ADMISSION

Abstract.- General Education - Birth Certificates made compulsory at the time of school admission - orders issued.

Read:- 1. Government letter No. 54009/G3/01/GEdn. Dated. 9.11.01
2. Circular No. H3/1720/2002/DPI dated, 24.7.02 of the Director of Public Instruction.
3. Representation dated, 26.3.03 from Shri. V.K. Balan, Nelliyadukkam, Kollambara P.O. Neeleswaram, Kasaragod.
4. Letter No. H3/34621/03 dated, 6.5.03 from the Director Public Instruction.
5. Letter No. B1-15407/2003 dated 10.7.03 from the Panchayat Director, Thiruvananthapuram

ORDER

Government in the letter read as 1st paper above instructed the Director of Public Instruction to make birth certificates compulsory at the time of school admission. This was done in accordance with the decision of the planning Board with a view to prevent underaged children from being admitted in schools. The Director of Public Instruction in the circular read as 2nd paper above issued instructions to all the concerned to the above effect with effect from the academic year 2003-2004.

2. The Director of Public Instruction in his letter read as 4th paper above has requested for extension of time in the implementation of the circular up to 31.8.03 in genuine cases with a view to avoid hardships to parents.

3. Shri. V.K. Balan in his representation read as 3rd paper above has narrated difficulties experienced by candidates seeking employment abroad due to the different entry of date of birth in school records and in birth certificates obtained from local bodies. To tide over this difficulty the panchayat Director in his letter read as 5th paper above has suggested for making birth certificates compulsory at the time of school admission.

4. After having examined the matter in detail, Government order that birth certificates issued from the local bodies will be compulsory at the time of school admission from the academic year 2004-05 onwards.

5. Necessary amendments in the KER will be issued separately. [General Education (G) Department, G.O. (Rt) No. 484/2003/GEdn., Dated, Thiruvananthapuram, 29.1.2004]

ദത്തെടുക്കൽ കേന്ദ്രം - ഉപേക്ഷിക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച ഉത്തരവ്

സംഗ്രഹം:- തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - ദത്തെടുക്കൽ കേന്ദ്രം - ഉപേക്ഷിക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച മാർഗ്ഗ നിർദ്ദേശം - ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. കേരള സംസ്ഥാന ശിശുക്ഷേമ സമിതി ജനറൽ സെക്രട്ടറിയുടെ 3/12/2007-ലെ അഡോപ്പ് /4414/2007/കെ.സം.ശി.ക്ഷേ.സ.നമ്പർ കത്ത്.
2. 3/4/2008-ലെ ശിശുക്ഷേമ ഭവൻ കാഞ്ഞിരപ്പിള്ളി മാനേജിംഗ് ട്രസ്റ്റിയുടെ കത്ത്.
3. ജനനമരണ ചീഫ് രജിസ്ട്രാറുടെ 18/9/2008-ലെ ബി.1 27741/08 നമ്പർ കത്തും 27/09/2008-ലെ B1-11961/08 നമ്പർ കത്തും
4. സാമൂഹ്യക്ഷേമ ഡയറക്ടറുടെ 10/11/2008-ലെ AC-2966/08 പ്രകാരമുള്ള റിപ്പോർട്ട്

ഉത്തരവ്

1. നിലവിലുള്ള ശിശുസംരക്ഷണ പദ്ധതിയിൽ സമഗ്രവും സമ്പൂർണ്ണമായ പദ്ധതിയാണ് ദത്ത് നൽകൽ. കുടുംബാംഗങ്ങളിൽ നിന്നുള്ള ദത്തെടുക്കലിന് ആവശ്യമായ നിയമവ്യവസ്ഥകൾ നിലവിലുണ്ടെങ്കിലും അനാഥർ/ഉപേക്ഷിക്കപ്പെട്ടവർ/ നിരാലംബർ ഈ വിഭാഗത്തിൽപ്പെടുന്ന കുട്ടികളെ ദത്ത് നൽകുന്നതിനും ജാതി മതഭേദമന്യേ ദത്ത് സ്വീകരിക്കുന്നതിനും വ്യക്തമായ നിയമം ഉണ്ടായത് 2000-ലെ ജുവനൈൽ ജസ്റ്റീസ് (കെയർ ആന്റ് പ്രൊട്ടക്ഷൻ ഓഫ് ചിൽഡ്രൻ) ആക്ടും, 2006-ലെ ജുവനൈൽ ജസ്റ്റീസ് (കെയർ ആന്റ് പ്രൊട്ടക്ഷൻ ഓഫ് ചിൽഡ്രൻ) അമന്റ്മെന്റ് ആക്ടും വന്നതിന് ശേഷമാണ്. ഈ ആക്ട് നിലവിൽ വരുന്നതിന് മുമ്പ് ഹിന്ദു അഡോപ്ഷൻ ആക്ട് പ്രകാരം ഹിന്ദുക്കളും ഗാർഡിയൻ ആന്റ് വാർഡ് ആക്ട് പ്രകാരം മറ്റ് മറ്റു മതസ്ഥരും അഡോപ്ഷൻ/ഗാർഡിയൻഷിപ്പ് സ്വീകരിച്ചിരുന്നു. ഇത്തരം കുട്ടികളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച നിയമത്തിലെ അവ്യക്തതകൾ മൂലം ധാരാളം കുട്ടികളുടെ ജനനം രജിസ്റ്റർ ചെയ്യപ്പെട്ടിട്ടില്ല എന്ന് സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ഇതുമൂലം ധാരാളം കുട്ടികൾക്ക് സ്കൂൾ പ്രവേശനത്തിനും വിഷമതകൾ അനുഭവിച്ചുവരുന്നു. കൂടാതെ നിലവിൽ അംഗീകൃത പ്ലെയ്സ്മെന്റ് ഏജൻസികളും ഇതര ശിശുപരിപാലന സ്ഥാപനങ്ങളിലും കഴിഞ്ഞുവരുന്ന കുട്ടികളുടെ ജനനം രജിസ്റ്റർ ചെയ്യപ്പെട്ടിട്ടില്ലായെന്നും സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ജനനം കഴിഞ്ഞാലുടൻ കുട്ടിയുടെ ജനനം ഔദ്യോഗികമായി രജിസ്റ്റർ ചെയ്യപ്പെട്ടു കിട്ടേണ്ടത് കുട്ടിയുടെ പ്രാഥമിക അവകാശമായി ഇന്ത്യ അംഗീകരിച്ച ഐക്യ

രാഷ്ട്രസഭയുടെ കുട്ടികളുടെ അവകാശഉടമ്പടി ആർട്ടിക്കിൾ 7-ൽ വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്. നിലവിലിരിക്കുന്ന നടപടിക്രമങ്ങളുടെ സങ്കീർണ്ണത നിമിത്തം ദത്തെടുക്കപ്പെട്ടിട്ടുള്ളതും, ദത്തെടുക്കലിന് വേണ്ടി വിവിധ സ്ഥാപനങ്ങളിൽ കഴിയുന്നതുമായ സംരക്ഷിക്കാൻ ആരുമില്ലാത്ത ഓർഫൻ ആയിട്ടുള്ള കുട്ടികൾ, വഴികളിലും പൊതുസ്ഥലത്തും ഉപേക്ഷിക്കപ്പെട്ട നിലയിൽ കാണുന്ന കുട്ടികൾ, വിവിധ സാമൂഹ്യപരമായ കാരണങ്ങളാൽ മാതാപിതാക്കൾ സറണ്ടർ ചെയ്യുന്ന കുട്ടികൾ എന്നിവരുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നതിന് പ്രത്യേക മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കേണ്ടിയിരിക്കുന്നു.

2. ഉപേക്ഷിക്കപ്പെടുന്ന കുട്ടികളുടെയും ദത്തെടുക്കപ്പെടുന്ന കുട്ടികളുടെയും ജനനം രജിസ്റ്റർ ചെയ്ത് സർട്ടിഫിക്കറ്റ് നൽകുന്നത് സംബന്ധിച്ച് പരാമർശം മൂന്ന് പ്രകാരം ജനനമരണചീഫ് രജിസ്ട്രാർ കൂടിയായ പഞ്ചായത്ത് ഡയറക്ടറും വിശദമായ നിർദ്ദേശങ്ങൾ സമർപ്പിക്കുകയുണ്ടായി. സൂചന 4 പ്രകാരം സംസ്ഥാന അഡോപ്ഷൻ സെല്ലിന്റെ അഭിപ്രായം സാമൂഹ്യക്ഷേമ ഡയറക്ടറും സമർപ്പിക്കുകയുണ്ടായി.

3. മേൽവിഷയം സർക്കാർ വിശദമായി പരിശോധിക്കുകയുണ്ടായി. ഇതു സംബന്ധിച്ച് താഴെ പറയുന്ന മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

4. അംഗീകൃത അഡോപ്ഷൻപ്ലേസ്മെന്റ് ഏജൻസികൾ മുഖേന കുട്ടിയെ ദത്തെടുക്കുന്ന കേസുകളിൽ ജനനം രജിസ്റ്റർ ചെയ്യുന്നതിനായി ഏജൻസി സ്ഥിതിചെയ്യുന്ന സ്ഥലത്തെ തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിൽ അപേക്ഷ സമർപ്പിക്കേണ്ടതും ദത്തെടുക്കൽ അനുവദിക്കുന്ന കോടതി ഉത്തരവിൽ പറയുന്ന ജനനതീയതി, രജിസ്ട്രാർ അംഗീകരിച്ച് ജനനസർട്ടിഫിക്കറ്റ് നൽകേണ്ടതുമാണ്. ഇത്തരം കേസുകളിൽ ഡി. എം.ഒ.യുടെ സർട്ടിഫിക്കറ്റ് ആവശ്യപ്പെടേണ്ടതില്ല. ഇത്തരം കേസുകളിൽ ഒരു ജൂഡീഷ്യൽ കോടതിയുടെ ഉത്തരവ് ഉള്ളതിനാൽ ആർ. ഡി. ഒ.യുടെ അനുവാദവും ആവശ്യപ്പെടാൻ പാടില്ല.

5. ഉപേക്ഷിക്കപ്പെട്ട കുഞ്ഞുങ്ങളെ സംരക്ഷിക്കുന്ന സ്ഥാപനങ്ങളുടെ നടത്തിപ്പ് ചുമതലക്കാർ കുഞ്ഞുങ്ങളെ ലഭ്യമായാൽ ഉടൻതന്നെ ജനനം രജിസ്റ്റർചെയ്യുന്നതിന് നടപടി സ്വീകരിക്കേണ്ടതാണ്. ഇത്തരം കുട്ടികളുടെ കേസുകളിൽ ബന്ധപ്പെട്ട സ്ഥാപനമേധാവികൾ സമർപ്പിക്കുന്ന ജനനതീയതി സംബന്ധിച്ച സത്യവാങ്മൂലം - നോട്ടറി/ഗസറ്റഡ് ഉദ്യോഗസ്ഥൻ സാക്ഷ്യപ്പെടുത്തിയതിന്റെ അടിസ്ഥാനത്തിൽ - സ്ഥാപനം സ്ഥിതിചെയ്യുന്ന സ്ഥലത്തെ തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിൽ ജനനം രജിസ്റ്റർ ചെയ്ത് നൽകേണ്ടതാണ്.

6. ഗവൺമെന്റ് അംഗീകൃത സ്ഥാപനത്തിൽ ലഭിക്കുന്ന കുട്ടികളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുമ്പോൾ രക്ഷിതാവായി സ്ഥാപനത്തിന്റെ പേര് റിമാർക്സ് കോളത്തിൽ രേഖപ്പെടുത്താവുന്നതാണ്. മാതാപിതാക്കളുടെ പേര്, വിലാസം എന്നീ കോളങ്ങളിൽ ഒന്നും രേഖപ്പെടുത്തേണ്ടതില്ല.

7. കുട്ടിയെ ദത്തെടുത്തശേഷം ജനന രജിസ്റ്റർ ദത്തെടുത്ത മാതാപിതാക്കളുടെ പേര് ചേർത്തും ആവശ്യമെങ്കിൽ അപേക്ഷ പ്രകാരം കുട്ടിയുടെ പേരിൽ മാറ്റം വരുത്തിയും ജനന സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ്.

8. ജനനസർട്ടിഫിക്കറ്റിന് അപേക്ഷ ലഭിച്ച് 10 ദിവസത്തിനകം നടപടിക്രമങ്ങൾ പാലിച്ച് സർട്ടിഫിക്കറ്റ് ബന്ധപ്പെട്ട രജിസ്ട്രാർ വിതരണം ചെയ്തിരിക്കേണ്ടതാണ്.

ഈ ഉത്തരവിലെ നിർദ്ദേശങ്ങൾ എല്ലാ രജിസ്ട്രാർമാരും കർശനമായി പാലിക്കേണ്ടതാണ്. [തദ്ദേശസ്വയംഭരണ (ആർ.ഡി) വകുപ്പ്, സ.ഉ. (സാധാ) നമ്പർ 4106/08 തസ്വഭവ., തിരുവനന്തപുരം, തീയതി, 22 11 2008].

ശബരിമലതീർത്ഥാടനം - ചികിത്സാർത്ഥം ആശുപത്രിയിലേക്ക് കൊണ്ടുപോകുന്നതിനിടെ സംഭവിക്കുന്ന മരണം - രജിസ്ട്രാർക്ക് അറിയിപ്പ് നൽകുന്നതിനു മരണം സ്ഥിരീകരിക്കുന്ന ഡോക്ടറെ ചുമതലപ്പെടുത്തുന്നത് സംബന്ധിച്ച ഉത്തരവ്

സംഗ്രഹം:- തദ്ദേശസ്വയംഭരണവകുപ്പ് - ശബരിമല തീർത്ഥാടനം - ചികിത്സാർത്ഥം ആശുപത്രിയിലേക്ക് കൊണ്ടുപോകുന്നതിനിടെ സംഭവിക്കുന്ന മരണം - രജിസ്ട്രാർക്ക് അറിയിപ്പ് നൽകുന്നതിനു മരണം സ്ഥിരീകരിക്കുന്ന ഡോക്ടറെ ചുമതലപ്പെടുത്തി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. ആരോഗ്യകുടുംബക്ഷേമവകുപ്പിന്റെ 26/08/2008-ലെ 32665/ജി1/08/ആ.കു.വ.നമ്പർ അനൗദ്യോഗിക ഫയൽ

2. പഞ്ചായത്തു ഡയറക്ടറുടെ 23/06/2008-ലെ ബി1- 29659/08 നമ്പർ കത്ത്

ഉത്തരവ്

ശബരിമല തീർത്ഥാടനത്തിനിടെ ചികിത്സാർത്ഥം ആശുപത്രിയിലേക്ക് കൊണ്ടുപോകുമ്പോൾ സംഭവിക്കുന്ന മരണം റിപ്പോർട്ടുചെയ്യുന്നതിലെ ബുദ്ധിമുട്ട് ഒഴിവാക്കുന്നതിനായി ഇപ്രകാരം വാഹനത്തിൽ വച്ചു സംഭവിക്കുന്ന മരണം റിപ്പോർട്ട് ചെയ്യുന്നതിന് ആശുപത്രിയിൽ മരണം സ്ഥിരീകരിക്കുന്ന ഡോക്ടറെ ചുമതലപ്പെടുത്തണമെന്ന പരാമർശം 1-ലെ ആരോഗ്യ കുടുംബക്ഷേമ വകുപ്പിന്റെ നിർദ്ദേശത്തിന്മേൽ പരാമർശം 2 പ്രകാരം ജനനമരണ ചീഫ് രജിസ്ട്രാർ കൂടിയായ പഞ്ചായത്ത് ഡയറക്ടർ വിശദമായ നിർദ്ദേശങ്ങൾ സമർപ്പിക്കുകയുണ്ടായി.

മേൽവിഷയം സർക്കാർ വിശദമായി പരിശോധിച്ചു. 1969-ലെ ജനനമരണ രജിസ്ട്രേഷൻ ആക്ട് സെക്ഷൻ 10(1) പ്രകാരം ഇത്തരം മരണങ്ങളെ സംബന്ധിച്ചു ജനനമരണ രജിസ്ട്രാർക്ക് അറിയിപ്പ് നൽകുന്നതിന് മരണം സ്ഥിരീകരിക്കുന്ന ഡോക്ടറെ ചുമതലപ്പെടുത്തി ഉത്തരവാകുന്നു. അറിയിപ്പ് ലഭിച്ച മരണം യഥാവിധി റിപ്പോർട്ടു ചെയ്തിട്ടുണ്ടെന്നും രജിസ്ട്രേഷൻ നടത്തിയിട്ടുണ്ടെന്നും ജനനമരണ രജിസ്ട്രാർ ഉറപ്പു വരുത്തേണ്ടതാണ്. [തദ്ദേശസ്വയംഭരണ (ആർ. ഡി.) വകുപ്പ്, ജി. ഒ. (സാധാ)നം. 615/2009/തസ്വഭവ., തിരു. തീയതി: 11.03.2009]

ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് ഉത്തരവ്

സംഗ്രഹം:- തദ്ദേശസ്വയംഭരണ വകുപ്പ് - ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് സ്പഷ്ടീകരണ ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു

പരാമർശം:- 1. 22/11/2008-ലെ സ.ഉ. (സാധാ) നം.4106/08/തസ്വഭവ നമ്പർ ഉത്തരവ്
2. 31/3/2009-ലെ 1083/ആർ.ഡി.3/09/തസ്വഭവ നമ്പർ സർക്കുലർ
3. പഞ്ചായത്ത് ഡയറക്ടറുടെ 29/09/2009-ലെ ബി1/27741/08 നമ്പർ കത്ത്.

ഉത്തരവ്

ദത്തെടുക്കപ്പെടുന്ന കുഞ്ഞുങ്ങളുടെ ജനന രജിസ്ട്രേഷനു നേരിടുന്ന ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി പരാമർശം ഒന്നിലെ സർക്കാർ ഉത്തരവു പ്രകാരവും പരാമർശം രണ്ടിലെ സർക്കുലർ പ്രകാരവും നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചിരുന്നു. പ്രസ്തുത നിർദ്ദേശങ്ങൾ നടപ്പാക്കുമ്പോൾ കുട്ടിയുടെ ജനന സ്ഥലം രേഖപ്പെടുത്തുന്നതു സംബന്ധിച്ച് വന്നിട്ടുള്ള ചില സംശയങ്ങളിന്മേൽ പഞ്ചായത്ത് ഡയറക്ടർ പരാമർശം 3 പ്രകാരം സ്പഷ്ടീകരണം ചോദിച്ചിരിക്കുന്നു.

സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിക്കുകയും ഈ വിഷയം സംബന്ധിച്ച് താഴെപ്പറയുന്ന സ്പഷ്ടീകരണം പുറപ്പെടുവിക്കുകയും ചെയ്യുന്നു.

പരാമർശം ഒന്നിലെ ഉത്തരവിന് ശേഷമുള്ള എല്ലാ ദത്തെടുക്കലിനും കുട്ടിയെ നൽകുന്ന ഏജൻസി സ്ഥിതി ചെയ്യുന്ന സ്ഥലത്ത് ജനന രജിസ്ട്രേഷൻ നടത്തേണ്ടതും പ്രസ്തുത ഉത്തരവിന് മുമ്പ് ദത്തെടുത്ത് നാളിതുവരെ ജനനം രജിസ്റ്റർ ചെയ്യാത്ത കേസുകളിൽ പരാമർശം രണ്ടിലെ സർക്കുലർ പ്രകാരം മാതാപിതാക്കളുടെ സ്ഥിര താമസസ്ഥലത്തും ജനന രജിസ്ട്രേഷൻ നടത്തേണ്ടതുമാണ്. ഏജൻസി സ്ഥിതിചെയ്യുന്ന സ്ഥലത്ത് ജനന രജിസ്ട്രേഷൻ നടത്തുമ്പോൾ ഏജൻസി സ്ഥിതിചെയ്യുന്ന സ്ഥലം കുട്ടിയുടെ ജനന സ്ഥലമായി രേഖപ്പെടുത്തേണ്ടതും മാതാപിതാക്കളുടെ താമസ സ്ഥലത്ത് രജിസ്റ്റർ ചെയ്യുന്ന കേസിൽ പ്രസ്തുത സ്ഥലം ജനന സ്ഥലമായി രേഖപ്പെടുത്തേണ്ടതുമാണ്.

കോടതി ഉത്തരവിൽ ജനന സ്ഥലം വ്യക്തമാക്കിയിട്ടുണ്ടെങ്കിലും, ഒന്നും രണ്ടും പരാമർശങ്ങളിലെ വ്യവസ്ഥകൾക്ക് അനുസൃതമായി ഏജൻസി സ്ഥിതിചെയ്യുന്ന സ്ഥലമോ മാതാപിതാക്കളുടെ താമസ സ്ഥലമോ ജനന സ്ഥലമായി രേഖപ്പെടുത്തി രജിസ്റ്റർ ചെയ്യാവുന്നതാണ്. [തദ്ദേശസ്വയംഭരണ (ആർ.ഡി.) വകുപ്പ്, സ.ഉ. (സാധാ) നം. 193/2010/തസ്വഭവ, തിരുവനന്തപുരം, തീയതി, 19/1/2010]

ഓൺലൈനായി ലഭിക്കുന്ന കമ്പ്യൂട്ടർ പ്രിന്റഡ് ജനനസർട്ടിഫിക്കറ്റുകൾ സ്ക്കൂൾ പ്രവേശനത്തിന് വയസ്സ് തെളിയിക്കുന്നതിനുള്ള രേഖയായി അംഗീകരിച്ച ഉത്തരവിനെ സംബന്ധിച്ച്

സംഗ്രഹം:- പൊതുവിദ്യാഭ്യാസം - തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിൽ നിന്ന് ഓൺലൈനായി ലഭിക്കുന്ന കമ്പ്യൂട്ടർ പ്രിന്റഡ് ജനന സർട്ടിഫിക്കറ്റുകൾ സ്ക്കൂൾ പ്രവേശനത്തിന് വയസ്സ് തെളിയിക്കുന്നതിനുള്ള രേഖയായി അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഉത്തരവ്

ജനന മരണ രജിസ്ട്രേഷൻ കമ്പ്യൂട്ടർവത്ക്കരിക്കുന്ന പ്രവർത്തനം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ പൂർത്തിയാക്കിയിരിക്കുന്ന സാഹചര്യത്തിൽ ഓൺലൈനായി ലഭിക്കുന്ന കമ്പ്യൂട്ടർ പ്രിന്റഡ് ജനന സർട്ടിഫിക്കറ്റുകൾ സ്ക്കൂൾ പ്രവേശനത്തിന് വയസ്സ് തെളിയിക്കുന്നതിനുള്ള രേഖയായി പരിഗണിച്ച് ഉത്തരവാകുന്നു.

കേരള വിദ്യാഭ്യാസ ചട്ടങ്ങളിൽ തദനുസരണമായ ഭേദഗതികൾ വരുത്തുന്നതാണ്. [പൊതുവിദ്യാഭ്യാസം (ജെ) വകുപ്പ്, ജി.ഒ.(എം.എസ്) നം. 173/10/പൊ.വി. തിരുവനന്തപുരം, തീയതി: 02/09/2010].

INFORMATION KERALA MISSION - SEVANA AND HOSPITAL KIOSK FOR BIRTHS AND DEATHS REGISTRATION ENGAGING OF MESSENGERS AT PRIVATE HOSPITALS UNDER HOSPITAL KIOSK PROGRAMME - ORDERS ISSUED

Abstract.— Local Self Government Department - Information Kerala Mission - Sevana and Hospital Kiosk for births and deaths registration - engaging of messengers at private hospitals under Hospital Kiosk programme - sanctioned - Orders issued.

Read:
1. G.O. (MS) No.262/07/LSGD dated 19-11-2007.
2. G.O. (MS) No. 310/10/LSGD dated 28-1-2010.
3. D.O. Letter No. ECD/38/2010 dated 03-08-2010 from the Executive Chairman & Director, Information Kerala Mission.

ORDER

In the circumstances reported by the Executive Chairman and Director Information Kerala Mission in his letter read above Government are pleased to accord sanction to the Local Governments, where there are only private hospitals covered under the Hospital Kiosk Programme to engage personnel for messenger service alone by outsourcing it to Kudumbashree units. The expenses in this regard will be met as per the Government Orders read above. [Local Self Government (IB) Department, G.O. (Rt) No. 3067/10/LSGD, Thiruvananthapuram, Dated, 16-09-2010].

ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനന രജിസ്ട്രേഷൻ - ഗാർഡിയൻഷിപ്പ് (രക്ഷാകർത്തൃത്വം) രേഖപ്പെടുത്തുന്നതു സംബന്ധിച്ച്

സംഗ്രഹം:- തദ്ദേശസ്വയംഭരണ വകുപ്പ് - ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനന രജിസ്ട്രേഷൻ - ഗാർഡിയൻഷിപ്പ് (രക്ഷാകർത്തൃത്വം) രേഖപ്പെടുത്തുന്നതു സംബന്ധിച്ച് സ്പഷ്ടീകരണ ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം :
1. 22/11/2008-ലെ സ.ഉ. (സാധാ) നം.4106/08/തസ്വഭവ നമ്പർ ഉത്തരവ്
2. 31/3/2009-ലെ 1083/ആർ.ഡി.3/09/തസ്വഭവ നമ്പർ സർക്കുലർ
3. 19/01/2010-ലെ സ.ഉ. (സാധാ) നം.193/10/തസ്വഭവ ഉത്തരവ്.
4. പഞ്ചായത്ത് ഡയറക്ടറുടെ 26/07/2010-ലെ ബി1/21717/10 നമ്പർ കത്ത്.

ഉത്തരവ്

ദത്തെടുക്കപ്പെടുന്ന കുഞ്ഞുങ്ങളുടെ ജനന രജിസ്ട്രേഷനു നേരിടുന്ന ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി പരാമർശം ഒന്നിലെയും മൂന്നിലെയും സർക്കാർ ഉത്തരവുകൾ പ്രകാരവും പരാമർശം രണ്ടിലെ സർക്കുലർ പ്രകാരവും നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുകയുണ്ടായി. പ്രസ്തുത നിർദ്ദേശങ്ങൾ നടപ്പാക്കുമ്പോൾ അംഗീകൃത ദത്തെടുക്കൽ ഏജൻസിയിൽ നിന്നും കോടതി മുഖാന്തിരം ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം സംബന്ധിച്ച കോടതി ഉത്തരവിൽ 'രക്ഷാകർത്താവ്' ആയി മാത്രം അംഗീകരിച്ചിട്ടുള്ള സാഹചര്യങ്ങളിൽ 'ഗാർഡിയൻഷിപ്പ്' വച്ച് ജനന രജിസ്ട്രേഷൻ നൽകുവാൻ സർക്കാർ തലത്തിൽ ഉത്തരവ് ആവശ്യമാണെന്ന് പരാമർശം 4 പ്രകാരം പഞ്ചായത്ത് ഡയറക്ടർ അറിയിച്ചിരിക്കുന്നു. സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിക്കുകയും ഈ വിഷയം സംബന്ധിച്ച് താഴെ പറയുന്ന സ്പഷ്ടീകരണം പുറപ്പെടുവിക്കുകയും ചെയ്യുന്നു.

ദത്തെടുക്കപ്പെട്ട കുഞ്ഞുങ്ങളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നതു സംബന്ധിച്ച് മേൽ സൂചന പ്രകാരം പുറപ്പെടുവിച്ചിട്ടുള്ള ഉത്തരവുകൾ, കോടതി മുഖാന്തിരം 'ഗാർഡിയൻഷിപ്പ്' (രക്ഷാകർത്തൃത്വം) ലഭിച്ച് ഏറ്റെടുക്കുന്ന കുട്ടികൾക്കും ബാധകമാണ് എന്നും ജനന രജിസ്ട്രേഷനിൽ 'ഗാർഡിയൻഷിപ്പ്' എന്ന വിവരം കാണിച്ച് ജനന സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതാണ് എന്നും എല്ലാ രജിസ്ട്രാർമാർക്കും ഇതിനാൽ നിർദ്ദേശം നൽകുന്നു. [തദ്ദേശസ്വയംഭരണ (ആർ.ഡി.) വകുപ്പ്, സ.ഉ. (സാധാ) നം. 3160/2010/തസ്വഭവ. തിരുവനന്തപുരം, തീയതി 30 /09/2010]

CIRCULARS

REGISTRATION OF BIRTH AND DEATH ACT 1969 - LEVY OF LATE FEE AND REALISATION OF FINE - CLARIFICATION

Copy of letter No. AVSI - 32786/71 dated 27-9-1971 of the Director of Panchayats in the matter is extracted below for the information of Panchayats and departmental Officers.

Sub:- Registration of Birth and Deaths Act 1969 - Levy of late fee and realisation of fine Clarification - regarding.

A doubt has been raised by some Registrars as to whether the late fee prescribed under Rule 10 is indispensable and whether it is to be realised over and above the fine mentioned under Section 23 of the Act.

The late fee prescribed under Rule 10, is for registering an event after the expiry of the time limit laid down in the statute. The fine mentioned under Section 23 of the Act is for committing a offence under the Act, it is a penalty or a punishment. Both are independent. Section 13 (4) of the Act further says that,

its provisions (i.e.. delayed registrations) shall be without prejudice to any action taken for failure to register the event in time. So it has to be born in mind that, in all delayed registrations the Registrar is bound to levy the late fee at the prescribed rate. The question of fine need be considered only in cases where, the Registrar has proceeded against a person for committing an offence.

Please inform all the Registrars under you of this as early as possible. [J.1786, No. VSI - 32786/71, Dt. 27-9-1971]

SEPARATION OF JUDICIARY FROM THE EXECUTIVE - INSTRUCTIONS TO JUDICIAL AND EXECUTIVE MAGISTRATE

Sub :– Criminal Justice - Separation of Judiciary from the Executive - Instructions to Judicial and Executive Magistrate - allocation of powers under Registration of Births and Deaths Act, 1969 -Amendment issued.

Government are pleased to order that the jurisdiction under Section 13 (3) of the Registration of Births and Deaths Act, 1969 (Act 18 of 1969) and rule 10 (3) of the Kerala Registration of Births and Deaths Rules, 1970 shall be vested with the Executive First Class Magistrate (Revenue Divisional Officers) and that under Section 23 of the Act, shall be allocated to the Judicial Magistrates. Opportunity is also taken to delete the reference to the Travancore-Cochin Registration of Births and Deaths Act, 1952 which has ceased to be applicable to the State.

The following amendment will accordingly be made to the G. O. first cited. [G.O. No. 124/72/Home, dt. 2-8-1972.]

AMENDMENTS

(1) In part II (Central Acts) of the Schedule to the G.O;, the following shall be inserted as item 75A, namely:—

(1)	(2)	(3)	(4)
75A	Registration of Births and Deaths Act (Act 18 of 1969)	Section 23	Section 13(3) and rule 10(3) of the Kerala Registration of Births and Deaths Rules, 1970, issued under the Act.

(2) In part III (State Enactments) of (he Scheduled to the G. O. the entries under item 67 shall be deleted.

REGISTRATION OF BIRTHS AND DEATHS ACT - ISSUE OF EXTRACTS

Letter No. VS-9793/72, dated 5th October, 1972 of the Director of Panchayats and Chief Registrar of Births and Deaths.

Sub:- Registration of Births and Deaths Act, 1969 - Issue of Extracts in form No. 9 and 10.

At present the Registrars of various Registration units are filling the title column in the extracts from Nos. 9 and 10 with the name of the Registration Units, Department of Panchayat etc. In the conference of the Inter-Departmental Committees on Vital Statistics, dated 15th September, 1972 it has been decided that against the title columns "Departments of..." in form Nos. 9 (extracts) the name of the concerned Registration Units should alone be entered.

The District Registrar/District Panchayat Officers are requested to communicate the contents of this letter among the Executive Officers/Registrars of Births and Deaths under their jurisdiction.

Letter No. VSI. 45381/72, dated 24th October, 1972 from the Director of Panchayats.

Sub:- Registration of Births and Deaths - Delay in Registration - Clarification regarding.

An instance has come to my notice wherein a person has informed an event to the Registrar of Births and Deaths 10 months after the occurrence of the event. As per rule 10 (2) of the Registration of Births and Deaths Rules, sanction of the District Registrar was required for registering the event. In the State the District Registrar is the Officer specified to give the written permission of the District Registrar and also to pay the fine of rupees three only. By the time he produced the sanction under rule 10 (2) one year has elapsed and therefore sanction from First Class Magistrate has become necessary for registering the event as provided under rule 10 (3). This has caused much hardship, loss and inconvenience to the party.

A doubt has arisen in this case as to whether the Registrar can register the event on the date on which the first information was received by him or whether it has to be registered on a later date, on which the action as per rule 10(3) is produced. Actually the delay in this case was caused due to the delay in obtaining the written permission of the Officer specified.

In this connection I may purpose the following procedures one of which may be adopted in such cases.

(2) The Registrar can enter the details of the events, received from the informant in all the relevant columns in the Register of Births or Deaths as the case may be except the column for signature of the informant and of the Registrar on the very first day on which the information is received. The above two columns can be filled up after receipt of the sanction required under rule 10 (2) or 10 (3) as the case may be. This will avoid delay in registering the event in a later date.

After completion of the registration, thus, the Registrar can issue the free extract under Section 12 of the Act. In the case the party does not turn up even after a lapse of reasonable period the entries can be cancelled by the Registrar as per Rules.

(b) The Registrar can wait and register the event after obtaining the sanction required under rule 10(2) or 10(3) as aforesaid.

But it may be noted that in adopting the later procedure, it would cause much inconvenience to the public. The informants will have to pay the late fee of Rs. 5 under Rule 10(3) and it would also upset the chronological order of registration.

I request that the above points may kindly be examined and necessary instruction may kindly be issued so as to enable me to advise the Registrar suitably.

ISSUE OF EXTRACTS UNDER SECTIONS 12 & 17 OF THE REGISTRATION OF BIRTH & DEATH ACT

Sub:- Issue of extracts under Sections 12 & 17 of the Registration of Birth & Death Act 1969 -Instructions regarding.

Ref:- This Office Circular No. VS-26925/70 dated 4.9.1970.

It is noticed that in the certificates prepared by some Registrars; against the columns "permanent address", the name of the place alone is seen recorded. It is not proper. In addition to the name, the No. of house, Ward No. and the name of place and post office should also be entered in the certificates. So also in the case of "place of Birth" the exact building or name of institution should be entered. House number and ward are also highly necessary. This should facilitate enquiries that may have to be made in future in respect of the registrations. It would help to prevent complications such as duplicate registration, unauthorised registration, etc.

I am, therefore, directed to request you to issue very strict instructions in this matter to all Registrars under you.

A copy of the direction issued should be furnished to this office also for reference.

REGISTRATION OF BIRTHS AND DEATHS - ISSUE OF EXTRACTS - INSTRUCTION

Sub:- Registration of Births and Deaths - Issue of Extracts - Instructions.

It is noticed that when issuing extracts under Section 12 of the Registration of Births and Deaths Act, 1969, certain registrars are not obtaining acknowledgments from the recipients/informants. This is not proper. The acknowledgments should be obtained in the remarks column of the Register of Births and Deaths, now being issued. The District Registrars of Births and Deaths may issue instructions to the registrars including Municipal Commissioners under their jurisdiction to get the acknowledgments of the informants in the remarks column of the registers while issuing extracts under Section 12. [Circular No. VSI-34894/73, dated 22nd August 1973 of the Director of Panchayats.]

REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 AND RULES THEREUNDER - AMENDMENTS

The District Panchayat Officer, Kozhikode has put forth some suggestions for the amendment of Registration of Births and Deaths Act. This Office letter No. RBDI-1189/73 dated 27.9.1973 in reply to the above suggestions is extracted below for the information and guidance of all concerned.

Sub:- Registration of Births & Deaths Act 1969 and Rules thereunder - Amendments.

Ref:- Your letter L. Dis. 5727/74/ Dated 27-3-1974.

I may invite your attention to the reference cited above. I am directed to inform you the following with regard to the amendments suggested.

1. Rule 7.— The intention of the Registration of Births & Deaths Act' 1969 and Rules is to get registered all births and deaths promptly. Nowhere in the Act or rules, it is stated that the birth should be registered only on the 14th day or death on the 7th day. Only a period of grace is given to the public to register the events. In fixing that period of grace, 14 days time is given for births and 7 days for deaths.

The reason why a longer period is given for births is that in the case of birth, the person born is a living evidence of the happening of the event. The occurrence of the event is evidenced by the existence of the person born. In the case of death, the person dead would be no longer there to prove the event. To find out whether there was such a death itself would be difficult if a longer period is given for registration. This is the reason why a shorter period is given as grace for registration of deaths. In the case of death, there is no living evidence to prove the occurrence of the events. This principle has been internationally accepted by experts in civil registration system and this standard is followed by all other countries. In fact in most of the countries viz. Burma, France, Greece, Italy, Poland, Portugal, Canada, Egypt, South Africa, etc. only 24 hours is given for registration of deaths while they give longer period of days for registration of births. Your contention that because birth is happening first, it should be registered first is not prohibited by the Act. Births can be registered first. Only while allowing the period of grace, a longer time has been given in the case of births, as the registration of death cannot be delayed for long. Take another case. A Person with headache approaches a Doctor first, then another with fever and then a third person who is already fainted and unconscious is brought before him. Can you say that the Doctor should first treat the first person, then the second and then only the third. By that time perhaps the third person might have died. So the principle of "First come first served," is not applicable in all cases.

In the case of a child which dies after the expiry of four or five days after birth, the birth should be registered first and then death. The position has been made clear in this Office endt. on VSI-46943/73/ dated 11.12.1973.

2. Rule 6.— In a moving vehicle, if any event occurs, the only person competent to report the event is the Officer-in-charge of the vehicle. There is no other person who can be made responsible for the purpose. In the case of births under normal circumstances, there can be no difficulty for identification. In the case of deaths, the officer who conducts the inquest will report the event. Many such events have been reported and registered in 1973. You may note that incidents of such kind will be very rare.

If you have any proposal which would improve the present arrangement you may furnish the same.

3. Section 10.— You may note that the action under Section 10 (i), (ii) & (iii) and action under Section 23 are not identical. The amount realised under Section 10 is late fees while that realised under Section 23 is a penalty. Under section 10, the party who is desirous of getting an event registered, has to initiate action while under Section 23 the Registrar has to initiate action. Section 10 contemplates how an event can be registered if delayed while Section 23 deals with penalties for offences committed under the Act. In fact in 1972 and 1973 many prosecutions have been launched by Registrars of various offences under the Act. So there is no need to amend the section as suggested.

4. Already it has been clarified that in such cases ie, where sex cannot be identified the Registrar can enter the required entries against male/female after scoring off the unwanted portion.

5. The Registration of Births & Deaths Act, 1969 deals only with registration of Births & Deaths and not with disappearance of persons: A missing person (whether Government servant or not) cannot be considered as dead. After the expiry of a few years, he may reappear in all flesh and blood and if he is registered as dead, the situation would be very awkward. Moreover when the Act deals with only births and deaths, we cannot make the Act answerable for other incidents. We cannot also presume that all missing persons are dead. [CIRCULAR J-2116, No. RBDI-1189/73]

SENDING OF CARDS TO THE ADDITIONAL CHIEF REGISTRAR -VERIFICATION

Sub:- Registration of Births and Deaths - Sending of cards to the Additional Chief Registrar - Verification - reg.

Ref:- VSI-5487/71, dated 30th November, 1971, addressed to all District Registrars,

In the reference cited above, the District Panchayat Officers/District Registrars have been requested to instruct the Registrars/Executive Officers under them to forward the Birth and Death cards promptly to the Additional Chief Registrar and also to furnish every month before the 15th a certificate to that effect to the concerned District Registrar. The District Panchayat Officers have been further directed to make the Panchayat Inspectors responsible, if deemed necessary, for supervising this arrangement. The fact to receipt of such certificates was also directed to be reported to the Chief Registrar by the District Panchayat Officers so as to reach him on or before the 25th of each month,

Inspite of all these, still the Additional Chief Registrar has pointed out cases of default and on verification, most of them were found correct.

In order to ensure prompt sending or card, the following instruct ions are issued by the Chief Registrar.

1. The Registrar/Executive Officer should forward as is now being done, to the Additional Chief Registrar on or before the fifth of each month, the birth and death cards relating to the registrations made in the proceeding month.

2. On or before the 15th of every month, the Registrar should furnish a certificate to the Panchayat Inspector concerned in the appended proforma regarding the despatch of birth and death cards.

3. The Panchayat Inspector in turn should ensure the prompt collection of such certificates from the Registration units under him and should forward them with a covering letter to the Chief Registrar direct under intimation to the District Panchayat Officer, so as to reach the Chief Registrar on or before the 20th of every month.

4. At every conference of Panchayat Inspectors, the District Panchayat Officers should review the progress of sending cards and collection of certificates from the registration units and should issue further suitable directions.

By adopting this, the Chief Registrar hopes that the progress of sending cards by the Registrars can be checked and progress watched by the Panchayat Inspectors, District Panchayat Officers and Director of Panchayats/Chief Registrar at their respective levels and as a result in future, no report of defaulting cases would be received from the Additional Chief Registrar.

This arrangement will be followed from 1st November, 1973 by the concerned Officers. [Circular No. VSI-46941/73, dt. 6-12-1973]

PROFORMA

Certificate regarding sending of Birth and Deaths Cards to the Additional Chief Registrar.

Name of Panchayat
Name of Block
Period From .....to.....
Serial Nos. of cards sent
(a) Birth Cards From .....to.....
(b) Death Cards From .....to.....
Details of Despatch Letter No .....dated .....
Remarks, if any
Place:
Date: Signature of Executive Officer/Registrar

IMPLEMENTATION OF REGISTRATION OF BIRTHS AND DEATHS ACT - SENDING OF PERIODICALS

Sub:- Implementation of Registration of Births and Deaths, Act, 1959 - Sending of periodicals - revised Orders.

The urgent attention of all the Registrars for Municipality with a population less than 30,000 shall send to the Chief Registrar of Officer specified by him a true copy of the entries in the register of birth/death. The system that was in vogue, prior to the introduction of the Act of 1969 was the card system, sending the periodicals in Births and Deaths Cards. The Additional Chief Registrar had suggested, in the initial stages of implementation of the Act that it would be more easy and convenient for him if the card system is continued. Accordingly instructions were issued by the Chief Registrar to send the periodical in cards, as a temporary measure, to all Registrars.

Now, in his letter No. VS-19920/71 ESF, dated 14th November, 1973, the Director of Bureau of Economics and Statistics, has agreed to switch on the system stipulated in the Registration of Births and Deaths Rules, 1970. The following instructions are therefore issued by the Chief Registrar:-

(a) The periodical returns now being sent to the Additional Chief Registrar in the form of cards will be discontinued with effect from 1st January, 1974.

(b) The periodical required under sub-rule (1) of Rule 15 will be sent viz., true copy of the entries in the Registers of Births and Deaths to the Additional Chief Registrar promptly with effect from 1st January, 1975.

(c) Immediately after sending the periodicals, the Registrar will prepare the certificate as appended and send the same to the concerned panchayat Inspector on or before the 15th of every month.

(d) The Panchayat Inspector in turn will ensure the prompt collection of such certificate from the Registrars under them and will forward the same with a covering letter to the Chief Registrar direct under intimation to the District Panchayat Officer so as to reach the Chief Registrar on or before the 20th of every month.

As the sending of periodicals has to be watched very closely, the officers at various levels should be very prompt and earnest in implementing the instructions given above.

Sufficient number of forms will got printed and made ready for use by 1st January, 1975 by the Registrars concerned. [Circular No. VSI-29857/73 dt. 26th November, 1973

PROFORMA

Certificate regarding sending of periodicals to the
Additional Chief Registrar to be furnished to the Panchayat Inspectors.

Name of Panchayat:
Name of Block
Period from.....
Serial Nos. of events sent.....
(a) Birth Reports from ..... to .....
(b) Death Reports from ..... to .....
Details of despatch:
Letter No..... dated.....
Remarks, if any.
Place: Signature of Executive
Date: Officer/ Registrar.

REGISTRATION OF BIRTHS AND DEATHS ACT - AUTHORISATION OF OFFICERS - CLARIFICATION

Sub:- Registration of Births and Deaths Act, 1969 - Authorisation of Officers - Clarification Regarding.

I am directed to invite your attention to the reference cited and to inform you that it would not be legally correct to include Class I and Class II Officers of the Central Government, within the scope of the Notification (II) published under SRO. No. 348/71, dated 9th September, 1971 by issuing a amendment to the said notification by invoking the provision contained in Section 13(2) of the Registration of Births and Deaths Act, 1969 (Central Act, 1969). The expression "any other Officer" used in Section 13 (2) of the said Act should take in only the State Government Officers. [Government letter No. 50888/MP.Spl.4/72/ LA&SWD/dt. 19-12-1973]

REGISTRATION OF BIRTH OF A CHILD BORN TO IN DUBAI

Copy of the letter No. 1-2 (Clarification)/74/VS dated 18/20-4-1974 of the Assistant Registrar General (VS) Government of India, clarifying the way in which the registration of a child born at Dubai has to be made is reproduced below for the information of all concerned.

Sub:- Registration of Birth of a Child born to Mr. K. P. Hamza who is employed in Dubai.

With reference to your letter No. Nil, dated the 9th January, 1984 on the subject noted above, I have to say that the, birth of a child born to Mr. Hamza should be registered at our Embassy/Consulate in Dubai. Section 20(1) of the Registration of Births and Deaths Act, 1969 provides that "the Registrar General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act. 1955, (57 of 1955) and every such registration shall also deemed to have been duly made under this Act."

The birth of the child cannot be registered in India under Section 20 (2) of Act which provides that "in the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may at any time within sixty days from the date of the arrival of the child in India, the get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid." [CIRCULAR-J. 2065, No.RBDI/18458/74]

REGISTRATION OF BIRTH AND DEATH ACT, 1969 - CORRECTION OF ENTRY IN THE BIRTH & DEATH REGISTERS - REGARDING

Copy of the letter No. RBDI-42836/74/L. Dis. dated 10.9.1974 of the Director of Panchayats is extracted below for the information and guidance of all concerned.

Sub:- Registration of Birth & Death Act, 1969 - Correction of entry in the Birth & Death Registers -Regarding.

Requests are being received from certain Registers of Births and Deaths for sanction to effect corrections in the Birth and Death Registers under Section 15 of the Registration of Birth & Death Act, 1969. Some Registrars, after effecting corrections under the said section request the Chief Registrar to ratify their actions for having done so.

Section 15 of the Registration of Births & Deaths Act, 1969 gives full powers to the Registrars to effect corrections. No approval or sanction of higher authorities is contemplated. But the Registrars have to bear in mind that change is different from error. While an error can be corrected, a change either in religion or in name cannot be incorporated under the Act. Therefore a change in name made subsequently need not be incorporated in the place of original entry. These original documents have legal value and cannot be changed. If a person proposes to change his name, there are other legal procedures to be adopted by him for the purpose. Also while a change in religion is made, similar procedure should be adopted.

The District registrars are requested to bring the contents of this communication among the Executive Officers/Registrars of Panchayats in their respective jurisdiction. [CIRCULAR- J.2101, RBDI - 42836/74]

DEAD BODIES TAKEN IN POLICE CUSTODY FOR POST MORTEM - REGARDING

Sub:- Information regarding dead bodies taken in police custody for post mortem.

The above subject was discussed during the course of a meeting of the interdepartmental committee of Goa on 6th September, 1973. As it was found that the police authorities had some difficulties in regard to submission of post-mortem report in case of dead bodies, the Inspector-General of Police, it has been decided, may issue circulars to all the police officers in charge of police stations to the effect that in such cases, information regarding event of death should however be immediately reported to the concerned Registrar of Births and Deaths in form No. 4 with the exception of cause of death which could subsequently be communicated on receipt of post-mortem report from concerned medical authority.

As such problems might be coming up in your State/Union Territory also, it is suggested that the above line of action may be adopted in your State also so that reporting of death may not be held up. [Letter No. 19-18/74-(RP) dt. 12-9-1974 of the Registrar General of India (V.S. Division) New Delhi.]

REGISTRATION OF BIRTHS AND DEATHS ACT - REPORTING OF INSTITUTIONAL EVENTS

Sub:- Registration of Births and Deaths Act, 1969 - Reporting of Institutional events.

As per Section 8 (1) (b) of the Registration of Births and Deaths Act, 1969 it shall be the duty of the Medical Officer in charge or any person authorised by him in this behalf, to give or cause to be given either orally or in writing, according to the best of his knowledge and belief, within such time, as may be prescribed, information to the Registrar of the several particulars required to be entered in the form prescribed, in respect of births and deaths in a hospital, health centre, maternity centre or nursing home or other like Institutions.

Recently it has been noticed by the Chief Registrar that an event occurred in a Medical Institution has been reported to the Registrar by a member of the household. This is not proper. If this is not prevented there will be chances for duplication of registration. So you are informed that events and any such information received should not be acted upon by the Registrar.

The District Panchayat Officers are requested to communicate the contents of this letter to the Executive Officers of Panchayats in their jurisdiction. [Letter No. L Dis. 42835/74/RBDI/Dt. 13-9-1974 of the Director of Panchayats.]

REGISTRATION OF BIRTH AND DEATHS - REALISATION OF FINE AND PENALTY - CLARIFICATION

Sub:- Registration of Birth and Deaths - Realisation of fine and penalty - clarification sought for.

Ref:- Your letter No. B2-16681/74/dated 26th October, 1974.

I am to invite a reference to your letter cited and state as follows:-

The action under Rule 10(1), (2) or (3) of the Kerala Registration of Births and Deaths Rules, 1970 and action under Section 23 (1) of the Registration of Births and Deaths Act, 1969 are not identical. The amount realised under Rule 10 is late fees while that realised under S. 23 is a penalty for offence. Under Rule 10, the party who is desirous of getting an event registered, has to initiate action. Rule 10 contemplates the manner in which a late registration can be made while S. 23 deals with penalties for offences committed under the act. So penalty under S. 23 need not necessarily be levied for late registration under Rule 10 (1), (2) or (3). Penalty need be levied only on decision of a Magistrate or on compounding an offence instituted or initiated by the Registrar.

It is expected that this will clear the doubt raised in your letter cited. The original letter No. A6-639/74, dated 11th October, 1974 of the Executive Officer, Manjeri Panchayat sent along your letter dated 6th December, 1974 is returned here with. [Letter No. L. Dis. 5258/74/RBDI/dated 2nd January, 1975 of the Director of Panchayats.]

MAINTENANCE OF STILL BIRTH REGISTER

Sub:- Maintenance of still Birth Registers - Regarding.

It is noticed that in certain Registration Units, still birth registers are not maintained since there are no still birth registrations. Even though there is no still birth events reported, a "Nil Register" should be maintained.

The District Registrars may issue necessary instructions in this regard to the Executive Officers of Panchayats in their jurisdiction without fail. [Letter No. L. Dis. 62575/74/RBDI, dt. 2-1-1975]

REGISTRATION OF BIRTHS AND DEATHS -UNNATURAL DEATHS

Sub:- Registration of Births and Deaths - Certificates sought for-
Ref:- Your letter No. A2-19477/74 dated 28-11-1974 received here on 30-12-1974.

I am directed to inform you that in the case of unnatural deaths whether in a house or a hospital the Inquesting Officer has to report the event. The deaths referred to in Section 8 [clauses (a) to (e)] of the Registration of Births and Deaths Act, 1969 are not unnatural deaths which are likely to bring in criminal action. [CIRCULAR J.2142, L.Dis. 62384/74/RBDI]

REGISTRATION OF BIRTHS AND DEATHS - PERIODICAL RETURNS UNDER RULE 15 OF THE KERALA REGISTRATION OF BIRTHS AND DEATHS RULE 1970 - CLARIFICATION - ISSUED

Copy of letter No. L. Dis 52575/74/RBDI dt. 20-3-1975 addressed to the District Panchayat Officer, Cannanore is reproduced below for the information of all concerned.

Sub:- Registration of Births and Deaths- periodical returns under rule 15 of the Kerala Registration of Births and Deaths Rules 1970 - Clarification issued -
Ref:- Your letter. H1-2510/71 dated 1-11-1974.

With reference to your letter cited I have to inform you that the periodical returns under Rule 15 of the Kerala Registration of Births and deaths Rules 1970 can be sent to the Director, Bureau of Economics and Statistics, Trivandrum by Service Unpaid, system as has been done in the case of Births and Deaths cards. [CIRCULAR J. 2178, RBDI - 52575/74/L.Dis.]

THE REGISTRATION OF BIRTHS AND DEATHS ACTS 1969 - WAIVING OF LATE FEE UNDER SECTION 13 - REGARDING

Copy of letter No. 1-2 (Clarification) 75-Vs from Registrar - General is extracted below for the information of all concerned.

Sub:- The Registration of Births and Deaths Act, 1969 waiving of late fee under Section 13 - regarding.

Kindly refer to this office letter of even number dated the 24th March, 1975 on the subject noted above. The Union Ministry of Law have advised as under-

Sub-section (1) of section 13 of the Registration of Births and Deaths Act, 1969 provides for payment fees as may be prescribed in case of information of any birth or death given after the expiry of the period specified in the said provision. The question referred for our consideration is whether the payment of late fee as provided under the above provision can be waived in cases where the delay occurred due to public disturbances or imposition of curfew etc. in similar other situations.

It may be seen that the substantive provisions in Section 13 speaks of "Payment of such late fee as may be prescribed." There is no provision either in this Section or anywhere in the Act which provides for any exemption from payment of late fee. The Section 30 authorises the State Governments to make rules with approval of the Central Government and clause (g) of sub-section (2) of this Section provides for making rules for the fees payable for registration made under Section 13. Thus it is seen that legislative intent as incorporated in Section 13 (1) of the Act is that late fees shall be payable in case of delayed information but the quantum of fee only can be prescribed by rules made by the State Government in exercise of powers under Section 30 of the Act. The Act does not provide for waiving of late fee under any circumstance, in case the information is delayed beyond the period specified for the purpose.[No. B1-6141/74, CIRCULAR J.2341]

REGISTRATION OF DEATHS OCCURRING AT SEA & ISSUE OF EXTRACT OF ENTRIES IN REGISTER OF DEATH

Sub:- Registration of Deaths occurring at sea and issue of extract of entries in register of death in Form No. 10.

Ref:- 1. No. RBD. 1/388/73/dated 21st June 1974 from the Director of Panchayats and Chief Registrar, Kerala.
2. No. BESE/IID/RBD/Clarification/2959/74, dated 10th July, 1974, from the Director of Bureau of Economics, Statistics and Evaluation, Goa Daman and Dieu.

Kindly refer to your letter No. on above cited subject. The Union Ministry have clarified that deaths occurring abroad ship while on sea and about which a report is received from Directorate General of Shipping, may be registered formally only in the local registration office of the area of which the deceased Indian Citizen was a normal resident. The Chief Registrar may arrange to pass on the certified copies of such reports of death abroad ship to the concerned local authority and the local registrar shall register the same, after obtaining relevant information from the next of the kin of the deceased. He shall also make special remark about the report received through the Directorate General of Shipping in the register. After completion of registration, an extract of the entry may be issued in Form No. 10 to the informant, as prescribed under Section 12 of the Act. [Letter No. 1-2 (c) 75/VS (RA) dt. 1-8-1975, Ministry of Home Affairs, New Delhi.]

KERALA REGISTRATION OF BIRTHS AND DEATHS RULES 1970 - INSTRUCTIONS - ISSUED

Copy of Circular No. B1 -7879/75 dated 26-9-1975 is extracted for the information of all concerned.

Sub:- Kerala Registration of Births and Deaths Rules 1970 - Rule 6 (2) Instructions - issued.

Ref:- Letter No. 1 -2 (clarification) 75-VS dated 11-4-1975 of Registrar General, India, New Delhi.

Sections 8 and 9 of the Registration of Births and Deaths Act, 1969 specify the registrants who are required to give the information of vital events to the Registrars of Births and Deaths. Only these persons are authorised to give information on the basis of which the registration will be made.

As per the provisions contained in Rules 6 (2) of the Kerala Registration of Births and Deaths Rules, 1970, in the case of deaths (not falling under clauses (a) to (e) of sub-section 1 of section (8) / in which an inquest is held the officer, who conducts the inquest, should give the information during the period within which the death has to be operated.

The procedure hitherto followed is that in all cases of deaths where inquests are held reports from the inquesting Officers are insisted. This question has been examined in detail with consultation with the Registrar General, India, New Delhi. It has now been clarified that in the case of death falling under clauses (a) to (e) of sub-section (1) of section 8 of the Act even if an inquest has been made, the event need not be reported by the inquesting Officer. Such events will have to be registered on the basis of reports from the persons specified under clauses (a) to (e) of sub-section 1 of section 8. In other words, only in the case of deaths not falling under clauses (a) to (e) of the said section, reports of the inquesting officers need be insisted.

All concerned are directed to note the matter contained in this circular and act accordingly in future. [CIRCULAR J. 2261 No. B1-7879/75]

APPOINTMENT OF SUB REGISTRARS OF BIRTHS AND DEATHS UNDER SECTION 7 (5) OF THE REGISTRATION OF BIRTHS AND DEATHS ACT. 1969 - REGARDING

Copy of letter No. L. Dis. 47276/75/B1 dated 29-9-1975 addressed to District Panchayat Officers is extracted .below for the information of all concerned.

Sub:- Appointment of Sub Registrars of Births and Deaths under Section 7(5) of the Registration of Births and Deaths Act 1969 - Regarding.

As per the provisions contained under Section 7(5) of the Registration of Births and Deaths Act, 1969, a Registrar of Births and Deaths can appoint Sub Registrars with the prior approval of the Chief Registrar.

In certain Panchayats, Sub Registers have been appointed with the prior approval of the Chief Registrar. But there are several Panchayats where such appointments are not made so far. It would be of much convenience to the public if there is a Sub Registrar of Births and Deaths in a Panchayat. It would also be of much help to the Registrars to carry out the work of Registration of Births and Deaths properly.

All District Registrars are requested to give directions to the Executive Officers/Registrars of

Panchayats in their jurisdiction to take early steps for appointment of Sub Registrars with the prior approval of the Chief Registrar where it has not been done. [CIRCULAR J. 2258 L.Dis. 47276/75/B1]

REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 CLARIFICATION REGARDING

Copy of Circular No. B1-29876/75 dated 24-10-1975 is extracted below for the information of all concerned.

Sub:- The registration of Births and Deaths Act 1969 clarification regarding delayed registration under section 13 (3) etc.

Ref:- Letter No. 1-2(c) 75-VS (RA) dated 27-6-1975 and 22-9-1975 of Registrar General, India (VS Division) New Delhi.

It has been clarified by the Ministry of Law that the Registration of Births and Deaths Act 1969 being prospective in nature applies only to those cases of births and deaths which occur after the Act comes into force in accordance with sub-section (3) of section 1 of the said Act. The scheme of the Act shows that the intention was to give prospective operation to its provisions including the provision for delayed registration contained in section 13. There is nothing in the Act which gives or purports to give retrospective effect to the provisions of the Act either expressly or by necessary implication.

As far as this State is concerned the Act came into force with effect from 1-4-1970. Hence all concerned are informed that the events which have occurred prior to the enforcement of the act and left unregistered need not be registered now under section 13 (3) of the Act. In other words, the events occurred prior to 1-4-1970 and left unregistered cannot be registered now under the Registration of Births and Deaths Act 1969. [CIRCULAR J. 2272 No. B1-29876/75]

REGISTRATION OF BIRTHS AND DEATHS - DELAYED REPORTS PENALTY WAIVING OF - ORDERED - REGARDING

Copy of letter No. L. Dis. 56784/75 RI dated 27-10-1975 is extracted below for the information of all concerned.

Sub:- Registration of Births and Deaths-Delayed reports-penalty waiving of-ordered-regarding.

Ref:- G. O. Rt. No. 1382/75/LA & SWD dated 11-7-1975
2. Your letter No. F 11-33589/75 dated 18-10-3975.

In inviting your attention to the reference first cited I request you to refer to the first and second para therein; Government in the said G.O. have only waived the late fees in respect of all cases of births and deaths pending registration as on 31 -12-1974. That is, if there are any reports of vital events kept in your office unregistered as on 31 -12-1974 for want of late fees, such events can be registered without realising any late fees. But, all other formalities as laid down in the Kerala Registration of Births and Deaths Rules, 1970 have to be observed in registering those events. In this connection it has to be specially mentioned that those events which are occurred upto 31-12-1974 and not prepared to you so far cannot be registered with the concession given in the Government order first cited. [CIRCULAR J. 2268 No., L Dis. 56784/75/B1]

SPECIAL PROVISIONS AS TO REGISTRATION OF BIRTHS AND DEATHS OF CITIZENS OUTSIDE INDIA

Sub:- Registration of Births and Deaths Act, 1969 - Special provision as to registration of births and deaths of citizens outside India.

Section 20 (1) of the Registration of Births and Deaths Act, 1969 provides that "the Registrar General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India, outside India received by him under the rule relating to the registration of such citizens of Indian consulates made under the citizenship Act, 1955 (57 of 1955) and every such registration shall also be deemed to have been duly made under this Act."

Section 20 (2) of the Act provides that "in the case of any child born outside India in respect of whom information has not been received as provided in Sub-section (1), if the parents of the child return to India with a view to settling therein, they may at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of Section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid."

Recently an instance of misuse of the provisions of in Section 20 (2) of the Act of is noticed by me. The instance is as follows:-

A child was born in a particular place in America. The parents of the child (Indian Citizens) returned to India temporarily. The Birth of the child was registered by one of the Registrars in this State under Section 20 (2) of the Act. The parents returned to America since they are employed there leaving the child in India. The child is brought up here by the grand parents.

Section 20 (2) of the Act is applicable in the case of any child born outside India and in respect of whom information has not been received as provided in sub-section (1) and if the parents of child return to India with a view to settling therein only then can the event of birth occurred outside India be registered in India. Since the registration mentioned above is irregular, instructions were issued to cancel the same with intimation to the parents and to ask the parents of the child to get the birth registered at the Indian Consulate in America under the Citizenship Act, 1955.

This communication is issued with an intention to prevent the occurrence of similar irregular registrations in other registration areas. The District Panchayat Officers are requested to issue necessary instructions in this regard among the Executive Officers of Panchayats in their Registrars. [Letter No. L. Dis. 34116/75/B1, dated 17th November, 1975]

REGISTRATION OF BIRTHS AND DEATHS ACT 1969 - CORRECTION OF ENTERS IN THE BIRTHS AND DEATHS REGISTERS UNDER SECTION 15 OF THE ACT - REGARDING

Copy of Circular No. B1-61416/74 dated 19-11-1975 is reproduced below for the information of all concerned.

Sub:- Registration of Births and Deaths Act 1969 - correction of entries in the births and deaths registers under section 15 of the Act regarding.

Ref:- Letter No. 1-2 (Clarification) / 75 - VS dated 25-4-1975 of Registrar General, India.

In this office letter No. L. Dis. 42836/74/RBDI dated 10-9-1974 necessary clarification with regard to the correction of entries in the Birth and Death Registers has been issued. Even though the provision in the Act in respect of correction of entries is very clear several requests are being received from various corners for clarification with regard to the correction of entries. Since it is difficult to issue clarification on each individual cases it has become necessary to issue a further general clarification on this aspect. Hence this circular.

Section 15 of the Registration of Births and Deaths Act 1969 authorise the Registrar to correct the errors or cancel the entry of any birth or death if the same is erroneous in the form or substance, or has been fraudulently or improperly made. The section begins with the word "If it is proved to the satisfaction of the Registrar. It shows that not only the error or fraud in the entry had to be proved but also it should be proved to the satisfaction of the Registrar. In this respect the Registrar will exercise quasi-judicial functions and will have to scan the evidence in order to be satisfied. It will have to be established that the entry is erroneous in form or in substance or has been fraudulently or improperly made. Thus there is no question of Registrars being forced to correct any entry.

The second aspect is that the Registrar will have to act subject to the rules made by State Government with respect to the condition on which and the circumstances in which such entries may be corrected.

The third aspect is that the Registrar shall not alter the original entry but shall make the correction in the margin and shall sign the same giving the date or correction. For example, if a date of birth is corrected, the original date as well as the corrected date will remain side by side on the register and any certified copy of the said entry will contain both the dates.

The Act nowhere says that the entry in the Register is the conclusive proof of birth and death. Therefore such entry will be merely an evidence. When after correction, two dates, one original and the other corrected are there the authority who has to take any action depending upon the date of birth and any person will not be bound to accept the corrected date or change the date mentioned in their own office records.

All concerned are requested to understand the spirit of this circular and Act accordingly. The District Panchayat Officers are requested to bring the contents of this circular among the Executive Officers of Panchayats in their jurisdiction. [CIRCULAR J. 2304 No. B1-61416/74]

ISSUE OF BIRTHS AND DEATHS CERTIFICATE UNDER SECTION 17 - CHARGING OF SEARCH FEE REGARDING

Sub:- Issue of Births and deaths certificate under Section 17 of the Registration of Births and Deaths Act, 1969 charging of search fee regarding.

With reference to your letter No. 2/16/St. 1175/7069 dated. 4th December, 1975 of the subject noted above I have to say that if a person gives details of registration, date of birth or death (as difference from date of occurrence) and asks for extract, he does not cause a search to be made. In such a case items are prescribed separately in the State Rules. [Letter No. 1-2 (c) 75/VS (RA) dt. 8-1-1976]

ISSUE OF BIRTHS AND DEATHS CERTIFICATE UNDER SECTION 17 OF THE REGISTRATION OF BIRTHS AND DEATHS ACTS 1969 CHARGING OF SEARCH FEE - REGARDING

Copy of letter No. 1 -2 (c)/75-VS (RA) dated 10-2-1976 of Registrar General is reproduced below for the information of all concerned.

Sub:- Issue of Births and Deaths certificate under Section 17 of the Registration of Births and Deaths Act, 1979 - Charging of search fee regarding.

In continuation of this office circular of even number dated 8-1-1976 on the above subject, I am to clarify, further that search fee may not be necessary only in such cases where information supplied by the applicant tallies exactly with the particulars in the register. In those cases where the date of registration of the event as given by the party does not correctly locate the event for which the certificate is being sought and would therefore necessitate further search in the register, search fee will become chargeable. [No. B1 - 2525/76, CIRCULAR J. 2344]

KERALA REGISTRATION OF BIRTHS AND DEATHS RULES 1970 RULES 6(2) - CLARIFICATION REGARDING

Copy of letter No. 1-2/75-VS (RA) dated 25-2-1975 of Registrar General and B1 -69137/75, (ii) dated 4-2-1976 of the Chief Registrar are reproduced below for the information of all concerned.

Sub:- Kerala Registration of Births and deaths rules-1970 Rules 6(2)-Clarification-requested

Ref:- your letter No. 1-2 (Clarification)/75-VS dated 11.4.1975

Kindly refer to your letter No. B1 -69137/75 (ii) dated 4-2-1976 on the subject noted above. Since in the present case also death has occurred within the premises of the house, it is the duty of the head of the household to report the event to the Registrar of the area concerned under Section 8(1) (a) and corresponding Rule 5 of the State Rule.

However, the Officer who has conducted the inquest can be asked to notify the death, under section 10 (1) (iii) of the Act, to the Registrar, in such manner as prescribed in Rule 7 of the State Rules. [CIRCULAR J. 2346, N.L. Dis. 69137/75/B.]

Sub:- Kerala Registration of Births and Deaths Rules - 1970 - Rule 6(2) - clarification - requested.

Ref:- Your letter No. 1-2 (Clarification)/75-VS dated 11-4-1975.

Sections 8 and 9 of the Registration of Births and Deaths Act, 1969, specify the Registrants who are required to give the information of vital events to the Registrars of Births and Deaths Rules, 1970, in the case of deaths (not falling under clauses (a) to (e) of sub-section 1 of Section (8) in which an inquest is held, the officer who conducts the inquest should give the information during the period within which the death has to be reported.

The procedure followed in this state till the receipt of your letter cited is that in all cases of deaths where inquests are held reports from the inquesting officers are insisted. In the light of your letter cited. I have issued clarification to all concerned that in the case of deaths, falling under clauses (a) to (e) of sub-section (i) of Section 8 of the Act, even if an inquest has been made, the event need not be reported by the inquesting Officer and such events will have to be registered on the basis of reports from the persons specified under clauses (a) to (e) of sub-section 1 of Section 8.

Now a case has been reported from one of the Registration Units in this state. In this case the death event was occurred due to drowning of the deceased in the well. The event has been reported by a member of the household and not by the Inquesting Officer. In the Act or the rules there is no definition with regard to the term 'house.' Therefore it is not known whether a death event due to drowning in a well appurtenent to the house or pond in the compound where the house is situated can be considered as occurred in the house.

I request you to kindly clarify the above point as early as possible.

REGISTRATION OF BIRTHS AND DEATHS - DELAY IN REGISTRATION - CLARIFICATION - REGARDING

Sub:- Registration of Births and Deaths - Delay in Registration - Clarification - regarding.

Kindly refer to your office letter No. VSI-45381/72, dated the 24th October, 1972 on the subject

noted above. The matter was referred to the Union Ministry of Law and Clarification received from them is reproduced below for your information and guidance.

"Rule 10(3) as well as Section 13 (3) provide that any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order by a Magistrate of specified class and payment of specified fee. It is significant that while sub-section (1) and (2) of Section 13 speaks of information as to birth or death being given, sub-section (3) speaks of registration within the specified period. The word "registration" has not been defined in the Act Section 11 provides for the manner in which it is to be done. Once the said action is complete, it can be said that birth or death has been registered. Mere filling the relevant columns without signature of the informant and of the Registrar will not amount to registration under Section 11, and therefore it cannot be said that birth or death has been registered for the purpose of sub-section (3) of Section 13. The provision contained in Section 13 (2) makes distinction between the giving of information and the registration and requires written permission of prescribed authority before the occurrence is registered. As stated above, if the registration process has not been completed within one year, the order of the District Magistrate will be required under Sub-Section (3). Neither the Act nor the Rules provide for any provisional written permission from the District Registrar. (This was with reference to a suggestion of Registrar General's Office that on the basis of such a provisional written permission, the local Registrar may be allowed to enter various details of the event in the register, except signatures). Section 13 (2) of the Act as well as rule 10(2) of the Rules envisage one type of written permission from the prescribed authority. If the registration process has not been completed, rule 10 (3) will be attracted. Amendment of rule 10(2) will not be of any help in view of the provisions contained in Sub-section (3) of Section 13 of the Act. Remedy lies either in quick disposal of the case by the prescribed authority under Section 13 (2) or suitable amendment of the Act." [Letter No. 1-2 (c) 74/VS (RA), dt. 9-10-1976 of the Assistant Registrar General.]

REGISTRATION OF VITAL EVENTS OCCURRED PRIOR TO THE ENFORCEMENT OF REGISTRATION OF BIRTHS AND DEATHS ACT 1969 - REGARDING.

Copy to the Government of India letter No. 1-2 (c) 73/VS (RA) dated 28-10-1976 is extracted below for the information of all concerned.

Sub:- Registration of Vital events occurred prior to the enforcement of Registration of Births and Deaths Act 1969 - regarding.

In continuation of this Office letter of even number dated the 1st April 1976 on the above subject, Iam to say that after consultation with the Law Ministry, this Office has come to the conclusion that provision of the Registration of Births, Deaths and Marriages Act of 1886 to register events which occurred prior to coming into force of the Act of 1969, are not of much avail. The parties concerned have to be advised to resort to alternate procedures like affidavits to establish their date of birth etc. [CIRCULAR J.2461, No. B1-29876/75]

Copy of Government of India letter No. 1-2 (c) 75-VS (RA) dated 5-11-1976 is extracted below for the information of all concerned.

Sub:- Registration of Vital events occurred prior to the enforcement of Registration of Births and Deaths Act 1969 - regarding.

There have been enquiries from some states and union territories notably Kerala, Gujarat, Andhra Pradesh, Goa and Chandigarh whether registration of Vital events that occurred prior to enforcement of the 1969 Act is possible under Section 13 of the 1969 Act. It has been clarified by the Ministry of Law (Department of Legal Affairs) that the events which have occurred prior to the coming into force of Registration of Births and Deaths Act, 1969 cannot now be registered under section 13 of this Act. It is, therefore requested that this may be noted as the final legal opinion of the Central Government. The parties concerned may, therefore, be advised to resort to alternate procedures like affidavits to establish the date of birth etc. [No. B1-29876/75]

REPORT OF DEATH OF INDIAN NATIONAL ON ABROAD SAILING VESSEL REGISTRATION OF DEATH - REGARDING

Copy of the letter No. 1-2(c)76-VS(R4) Vol. 1 dated 11-11-1976 is extracted below for the information of all concerned.

Sub:- Report of death of Indian national on abroad sailing vessel - Registration of death - reg.

I am to refer to your letter No. B1-60999/76 (ii) dated 22-10-1976 on the subject cited above and

to say that registration of death on the basis of a report from Director General of Shipping does not fall in the same category as event that occurs on land, in which case the Act casts duty on specified persons to report the event within specified period. Therefore Section 13 is not attracted in the case of report received from Director General of Shipping and as such, question of obtaining permission of First Class Magistrate and Realisation of late fee does not arise. [Circular J. 2496, No. L. Dis. 60999/75/B1]

ENTERING THE NAME IN THE BIRTH REGISTER REGARDING

Copy of letter No. L. Dis. 50362/76/B1/dated 8-12-1976 is extracted below for the information of all concerned.

Sub:- Entering of name in the Birth register - regarding.

Ref.- 1. Your letter No. H4-6890/76/dated 6-8-1976 (missend to the Director, Bureau of Economics and Statistics, Trivandrum)
2. Letter No. Vs-20164/76/Essd dt. 10-8-1976 of the Director, Bureau of Economics and Statistics, Trivandrum.

With reference to your letter first cited I may inform you that name can be entered in the case of births registered prior to 1/4/1970 as per relevant rules. [No. L. Dis. 50362/76/B1]

REGISTRATION OF BIRTHS AND DEATHS - ISSUE OF EXTRACTS FOR GOVERNMENTAL PURPOSES - CLARIFICATION ISSUED

Copy of letter No. 14626/75/B1/dated 11/12/1976 is extracted below for the information of all concerned.

Sub:- Registration of Births and Deaths - Issue of Extracts for Governmental purposes - Clarification issued.

Ref:- Letter No. 1 -2 (c) 76-VS (RA) Vol. I dt. 15-10-76 of Senior Research Officer, Registrar General's Office, New Delhi.

In this office letter No. L. Dis. 50082/72/VSI dated 5-12-72 addressed to all District Registrars of Births and Deaths it has been clarified that extracts from the Births and Deaths registers can be issued free of cost for Departmental purposes. In this office letter No. L. Dis 8134/RBD 1 dated 6-3-1974 it has been further clarified that the concession given to the informants under Section 12 of the Registration of Births and Deaths Act, 1969 has been extended to Departmental purposes also and therefore there is no need to use stamp paper.

In a particular case, it was become necessary to reconsider the clarification already issued in the matter and hence the matter was referred to the Registrar General, India, New Delhi who had obtained a clarification in the matter from the Union Law Ministry.

As clarified by the Union Law Ministry, if extract is issued under Section 17 of the Act it would be necessary to charge the prescribed fee from the Department for giving extracts duly certified by the Registrars or the authorised person. But, if any informations from the Births and Deaths records are required by any Government Department there should not be any legal difficulty in furnishing such an information informally to the Department.

In the light of the clarification of the Union Law Ministry, the clarifications issued in this office letters L. Dis. 50082/72/VS 1 dated 5-12-1972 and L. Dis. 8134/74/RBD 1 dated 6-3-1974 are hereby cancelled. [CIRCULAR J. 2459, No. L. Dis. 14626/75/B1]

ISSUE OF BIRTH/DEATH EXTRACT UNDER SECTION 12 OF THE REGISTRATION OF BIRTHS AND DEATHS ACT 1969 - REGARDING

Copy of the letter No. 65146/76/B1 dated 17-12-1976 is extracted below.

Sub:- Issue of birth/death extract under Section 12 of the Registration of Births and Deaths Act, 1969 - reg.

The Union Law Ministry have advised that Section 12 of the Registration of Births and Deaths Act, 1969 contemplates giving of extract free of charge to the person giving information under Section 8 or Section 9 thereof. The provision of this Section are, therefore, not applicable in relation to the Section 13. The extracts, free of charge therefore cannot be given to the persons giving information to the Registrar under section 13 of the Act.

This clarification is being given to affirm the interpretation taken by some states already and in particular, Madhya Pradesh. [CIRCULAR J. 2460, No. L.Dis. 65146/76/BI]

REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 - ISSUE OF EXTRACTS UNDER SECTION 12 OF THE ACT INSTRUCTIONS ISSUED

Copy of the Circular No. L. Dis. 24023/77/B1 dated 30-4-1977 is extracted below for the information of all concerned.

Sub:- Registration of Births and Deaths Act, 1969 - Issue of extracts under section 12 of the Act -Instructions issued.

Ref:- Decision No. 1 of the Inter Departmental Committee on Vital Statistics held on 11-12-1976.

As per the provisions contained under Section 12 of the Registration of Births and Deaths Act, 1969 it is mandatory on the part of the Registrars to issue an extract of birth or death to the informant free of cost as soon as the registrations is over. Prescribing a time limit for issue of birth certificate would be contrary to the provision of the Act. However, all concerned should see that the time for the issue of such extracts should not exceed three days. [CIRCULAR J.2568]

AMENDMENT TO RULE 15 - SENDING OF PERIODICALS

Copy of the letter No. B1 -17910/77 date .7.1977 from the Director Panchayats is extracted below for the information of all concerned.

Sub:- Amendment to Rule 15 - Periodicals sending of.

Ref:- G. O. MS. No. 56/77/LA & SWD/dated 17-2-1977.

As per the G.O cited, Rule 15 of the Kerala Registration of Births and Deaths Rule 1970, has been amended and three new form viz. 15-A, 15-B and 15-C introduced. According to this every registrar shall sent to the additional Chief Registrar (Additional Director, Bureau of Economics and Statistics, Trivandrum) monthly returns, in the above forms on or before the 5th of each month of events registered in the month preceding. Even after this amendment some registrars are continuing to send the returns in the old forms. It is also noticed that there is no uniformity in the size of the cards that are send. This makes compilation difficult. These question were discussed at the meeting of the inter-Departmental conference.

In the light of the discussion held the following orders are issued.

1. The returns as per the amended forms in 15A, 15B and 15C will be insisted with effect from 1-8-1977. All executive Officers should get sufficient number of cards printed before that date. In case this is not possible the card system should be followed at the earliest.

2. The service unpaid system will be discontinued from 1-8-1977. Hence for the postage charges of cards send (periodicals) be born by the respective registration unit.

3. The periodicals sent to the Additional Director, Bureau of Economics and Statistics in form 15A, 15B and 15C should be of uniform size. The Registrars will get the form printed in the sizes of 15 cm length and 11 cm length.

4. For the purpose of easy identification, cards in the following colours should be used by the Registrars for sending the returns.

Birth card	White
Death card	Light yellow
Still birth card	Light pink

The Registrars are requested to take urgent steps to print the card and to send the periodicals as per the amended rules from 1 -8-1977. The receipt of the communication may please be acknowledged. [CIRCULAR J.2593, B1 - 17910/77]

ALTERATION OF DATE OF BIRTH AND NAME IN THE REGISTER - ISSUE OF EXTRACT - VERIFICATION OF RECORDS BY THE OFFICERS OF EDUCATION DEPARTMENT - ORDERS ISSUED

Copy of Circular No. B1-44198/77/dated 20-8-1977 is extracted below for the information all concerned.

Sub:- Alteration of date of birth and name in the Register - Issue of extract from the Register of the Births and Deaths- Verification of records by the Officers of Education Department- Accorded sanction and orders issued.

Ref:- D. O. No. TXE 2 - 15987/77/dated 25-7-1977 of the commissioner for Government Examinations Kerala State, Trivandrum-14.

According to the provisions of the Kerala Education Act and Rules issued thereunder, Commissioner for Government Examinations is authorised to sanction alteration of date of Births in the

School records and qualification certificates on the basis of the satisfactory evidence. The extract from the Register of Births and Deaths/Certificate of Birth issued by the Registrar is the main documentary evidence that is usually accepted. But it is complained by the Commissioner for Government Examinations that in many certificates of Births produced by the applicants certain columns of the certificates relating to important details such as date of registration, registration No. etc. are not filled up. So also correction and tampering of the entries in the certificates given room for avoidable doubts. So this necessitates further verification of the genuineness of such certificate.

In order to avoid such complaint, the Registrars are requested to see that all columns are duly filled up in the certificate issued by him under Section 17 of the Registration of Births and Deaths Act, 1969.

There should not be any correction or overwritings in the certificates. They are also requested to give all facilities to the Departmental Officers of the Education Department to peruse the births and deaths registers kept in the registration offices when they visit the registration unit for verification. [CIRCULAR J. 2594, B1/44198/77]

REGISTRATION OF BIRTHS AND DEATHS - APPOINTMENT OF SUB REGISTRARS - PERMISSIVE SANCTION - ORDERS ISSUED

Copy of orders No. B1-44300/77/dated 1.9.1977 from the Director of Panchayats is extracted below for the information of all concerned.

Sub:- Registration of Births and Deaths - Appointment of sub Registrars - Permissive sanction - Orders regarding.

With the introduction of Common Service to the employees of Panchayats they are subject to frequent transfers. As a result a Sub-Registrar appointed for a Panchayat when transferred will have to obtain fresh sanction from Chief Registrar to work as Sub-Registrars in his new station. So also sanction will have to be obtained for the appointment of a substitute as Sub-registrar. Obtaining individual sanction for each and every case therefore causes unnecessary delay causing inconvenience to the public.

In the circumstances sanction is accorded to all Registrars of births and deaths in Panchayats for appointing either the Manager or the Head Clerk of the respective Panchayats as Sub-Registrar under Section 7(5) of the Registration of Births and Deaths Act 1969 assigning all the powers vested with the Registrars except the powers under Section 15, 17,24, and 25 of the said Act and the rules thereunder subject to the control, supervision and restriction imposed on him by the Registrar of Births and Deaths in the Panchayat. [CIRCULAR J. 2595 No. B1-44300/77]

CHANGE OF NAME IN BIRTH/DEATH REGISTERS

Copy of letter No. i (2) (c) 75/VS/RA Vol. III dated 21-11-1977 of the Government of India is extracted below for the information of all concerned.

Sub:- Change of name in birth/death registers.

In connection with a query raised by the Chief Registrar of Chandigarh (U.T) regarding change of name in birth/death registers, this office sought clarification from the Union Law Ministry on the following points:—

(i) Whether correction or cancellation of entries in birth/death registers under Section 15 of the Act also covers change of name.

(ii) Whether Registrar is competent to effect correction involving change of name in respect of birth/ death in respect of events occurred and registered prior to the enforcement of the 1969 Act.

Clarification of the Union Ministry on above points are enclosed for your information and guidance.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPARTMENT OF LEGAL AFFAIRS) ADVICE (A) SECTION

The question of change of name may be viewed from two angles. The first is that there may be some clerical error in writing the name in the Register, for example, Ram Math - might have been written by oversight, as Ram lal or the word "chandra" might have been written as "Chander". The correction of the name under such circumstances may be covered under Section 15 of the Act, similarly, the name might have been fraudulently or improperly entered in the register. This would also fall under Section 15. The second aspect would cover such cases where a person changes his name and thereafter makes a request for the change of the name in the register also. Such a contingency is obviously not covered under Section 15 of the Act.

2. The name is one of the various entries prescribed in the register. So, the change of name would be, in fact, a correction of the entry relating to the name. Every case in regard to the request for change of name should, therefore be considered in the light of the aforesaid observations. [No. L Dis. 69105/77/B1, CIRCULAR J. 2618]

REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 -CLARIFICATION - REGARDING

Copy of Circular No. B1-11778/78/dated 15-2-1989 is extracted below for information of all concerned.

Sub:- Registration of Births & Deaths Act 1969 - Clarification regarding delayed registration - under Section 13 (3) and the corresponding State Rule 10(3) etc.

Ref:- 1. Letter No. 1 -2 (C)/75-VS (RA) Vol. I dated 27-2-1978 and 1-1-1979 of the Registrar General of India.

2. This Office Circular No. B1-29876/75/Dated 24-10-1975.

The Registrar General of India vide his letter cited has informed that the matter was again taken up with the Union Law Ministry, considering the difficulties being experienced by the public. As a result, the Union Law Ministry have reconsidered the question of delayed registration and are now of the view that the Births & Deaths events which occurred prior to the enforcement of the Act can be registered under Section 13 of the present Act which provides for the delayed registration of such events. Moreover, it has also been informed that it may not be proper to issue any guide lines which may have the effect of circumscribing or limiting the discretion of a Magistrate. At the same time, the Magistrate is expected to pass a judicial order according to the facts of each case on its own merits.

In the circumstances all the concerned are informed that the events which occurred prior to the enforcement of the Registration of Births & Deaths Act 1969 and left unregistered can also be registered now under Section 13 (3) of the Act. In other words, the vents occurred prior to 1-4-1970 and left unregistered can be registered now as per Rule 10 (3) of the Kerala Registration of Births & Deaths Rules 1970. [CIRCULAR NO. J. 2756, B1-11778/78]

REGISTRATION OF BIRTHS & DEATHS - REGISTRATION OF DEATHS WHEN THE DATE OF DEATH IS NOT KNOWN - CLARIFICATION - REGARDING

Copy of Circular No. B1 -74896/78 dated 10-8-1979 of Director of Panchayats is extracted below for information of all concerned.

Sub:- Registration of births & deaths - Registration of deaths when date of death is now known -clarification - regarding.

Ref:- Letter No. 1-2 (c) 75-VS (RA) Vol. I dated 14-6-1979 from the Registrar General of India.

Recording the exact date of event in the birth and death registers is an important factor in the registration of vital events. On certain occasions, the registrar feels confusion to record the exact date of event, especially in the case of dead bodies found deserted in public places. Recently in a particular case the Medical Officer has stated in his postmortem certificate that the death might have occurred between 13-7-1978 to 20-7-1978. But the Registrar could not record the exact date of event in the case and so he requested for clarification. The clarification received from Registrar General of India on the subject is as follows:-

"Under section 8 of the registration of births and deaths Act, 1969 the information that is given by the informant according to the best of their knowledge is to be registered by the Registrar appointed under the Act. Therefore, whatever is the information that is given may be recorded in the register as the exact date of death is not available." [CIRCULAR NO. J. 2865, No. B1-74896/78]

REGISTRATION OF BIRTHS AND DEATHS - DECISION NO. 6 TAKEN AT THE SEMINAR HELD AT TRICHUR - FOLLOW UP ACTION

Copy of Government letter No. 11608/B1/79/Food dated 11-2-1980 from Special Secretary to Government Food (B) Department, Trivandrum addressed to the Director of Panchayats is extracted below for information of all concerned.

Sub:- Registration of births and deaths - Decision No. 6 taken at the Seminar held at Trichur - Follow up action.

Ref:- Your letter No. B1-43494/79 dated 3-11-1979.

I am directed to invite a reference to the letter cited and to inform you that the Director of Civil

Supplies, Board of Revenue has already issued circular instructions to the District Collectors, District Supply Officers and Taluk Supply Officers/City Rationing Officers that the production of birth certificate should be insisted on in the case of addition of unit for children in ration cards. A copy of the circular No. 4/80 dated 11-1-1980 is given below for reference.

Copy of Circular No. 4/80 (No. (CS) A4-53988/78) dated 11-1-1980 from the Board of Revenue (Civil Supplies) Trivandrum.

Sub:- Registration of births and deaths - Decision of the Seminar held at Trichur - Follow up action - regarding.

Ref:- Govt. No. 11608/B1/79/Food dated 6-12-1979.

In pursuance of a decision taken at the Seminar at Trichur on 6-1-1979 with a view to help to a certain extent for a mass registration of the births throughout the State, the Director of Panchayats and Chief Registrar of Births and Deaths, Trivandrum has requested Government to make necessary amendments to the K.R.O. 1966 for the production of birth certificate so as to supply ration to Children.

The Board has therefore considered the suggestion in detail and directs that the production of Birth Certificate may be insisted on in the case of addition of Units for children in ration cards.

The receipt of this circular should be acknowledged by return by the District Supply Officers. [CIRCULAR J. 3069, B1-43494/79]

REGISTRATION OF BIRTHS AND DEATHS - MACHINERY TO DETECT UNREGISTERED EVENTS - DECISION OF THE INTERDEPARTMENTAL COMMITTEE INSTRUCTIONS ISSUED

Copy of Circular No. B1.62542/79 dated 20-3-1980 of the Director of Panchayats is extracted below for information of all concerned.

Sub:– Registration of Birth and Deaths - Machinery to detect unregistered events - Decision of the Interdepartmental Committee - Instructions issued.

In order to achieve cent per cent registration of vital events in the years to come the Interdepartmental Committee on Vital statistics held on 28-3-1979 decided that a separate machinery should be constituted to detect unregistered events of births and deaths.

On the basis of the decision, the Director of Municipalities, Health Services, Statistics instructed their field staff to detect unregistered events and report it to the local Registrars-

Field staff of Panchayat could make their contribution better than anybody in the matter. They should detect unregistered events of births and deaths when they go out for their normal field works and report such events to the concerned Registrars.

The Registrars on getting such information should contact the head of the household and then only register the events after ascertaining the genuineness of the events.

The births and deaths occurred in the household for the past one year preceding the date of visit of the house need be covered by the field staff.

The Executive Officers should take immediate action in the matter and report compliance. [CIRCULAR No. B1-62542/79]

CORRECTION IN BIRTH REGISTER BY ADDING OF FATHER'S AND MOTHER'S NAME - CLARIFICATION

Sub:- Registration of Birth and Death - correction in Birth Register by adding of Father's and Mother's name - clarification - regarding.

Ref:- Letter. No. 1/1/82-VS (cord) dated 8-9-1982 of the Registrar General of India.

As per Section 15 of the Registration of Birth and Death Act 1969 (Central Act 18 of 1969) it is described that if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may be, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

Now vide letter No. 1/1/32-VS (cord) dated 8-9-1982, the Registrar General in consultation with the Union Law Ministry, has clarified that any change in birth register, by adding Father's and Mother's name along with the name of child and husband's name along with wife's name cannot be made.

Hence all Registrars of Birth and Death are directed not to make any change in the Birth and

Death Register if it is otherwise in order and not to send proposals to this office requesting sanction. [No. B1-82253/81, Office of the Director of Panchayats, Trivandrum, dt. 2-10-1982]

ISSUE OF FREE EXTRACTS UNDER SECTION 2 OF THE BIRTHS AND DEATHS ACT

Sub:- Registration of Births and Deaths - Issue of free extracts under Section 2 of the Births and Deaths Act, 1969 (Rule 9)

Ref:- Decision No. IX of the Inter Departmental Committee held on 5-10-82.

As per Section 12 of the Registration of Births and Deaths Act 1969, it is stated that the Registrar shall as soon as the registration is completed give free of charge to the person who give information under Sections 8 or 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death. Now-a-days certain doubts have been arised among the District Registrars whether the above section is applicable to the persons who register the events under Section 13 of the Births and Deaths Act 1969.

The Registrar General of India with consultation of the Central Law Ministry has informed that the extracts free of charge cannot be given to the persons giving information to the Registrar under Section 13 of the Act.

The Inter Departmental Committee held on 5-10-82 discussed the matter in detail and decided to implement the above clarification of the Registrar General of India.

Hence all Registrars of Births and Deaths are strictly directed not to issue free extracts to the persons who gives information vide Section 13 of the Births and Deaths Act 1969. [Office of the Director of Panchayats, No. B1-5805/83, Trivandrum, Dt. 19-3-1983]

ALLEPPEY MUNICIPALITY - REGISTRATION OF BIRTH AND DEATH CORRECTION OF NAME IN BIRTH REGISTRAR - REGARDING

Copy of letter No. B 1-19535/84, dated 23rd May 1984 from the Director of Panchayats, Trivandrum addressed to the Commissioner Alleppey Municipality is extracted below for information of all concerned.

Ref:-
1. This office circular No. E1-82255/81, dated 2nd December 1982.
2. This officer Circular No. B1-9149/81, dated 7th March 1984.
3. Your letter No. H4-1505/84, dated 22nd March 1984.

In inviting your attention to the reference cited, I may inform you that as per the instruction received from the Registrar General of India, vide this office letter 1st cited all Registrars of Births and Deaths have been strictly directed not to make any changes in Births and Deaths registers kept by them if it is otherwise in order. But again on the basis of further clarification received from the Registrar General of India, the Registrar, Alleppey Municipality was directed to take further action in the matter as per the provisions under Section 15 of the Birth and Death Act, 1969.

The views of Registrar General of India with regard to Section 15 of the Birth and Death Act, 1969 is that if it is proved to the satisfaction of the Registrar that any entry made in Birth and Death Register is erroneous in form or substance or has-been fraudulently or improperly made, he may correct the error or cancel the entry in margin without any alteration to the original entry. In this connection you may note that the correction should be made in marginal and not in the original entry. The original entry and corrected entry should be seen side by side in the Register as well as in the certificate. More over the Registrar is competent to correct or cancel the entry.

So in the present case the Registrar/Health Inspector is the competent authority to take suitable decision in the matter after conducting necessary enquiry as per Section 15 of the Birth and Death Act, 1969. [CIRCULAR J.349]

KERALA - BIRTH AND DEATH REGISTREATION - SEARCH FEES, EXTRACT FEES ETC. - REGARDING

Copy of Circular No. B1. 2570/82, dated 10th May 1982 of the Director of Panchayats is extracted below for information of all concerned.

സൂചന: ഏറനാട് താലൂക്ക് പഞ്ചായത്താഫീസറുടെ 11.1.1982-ലെ എ. 198/82-ാം നമ്പർ കത്ത്.

1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ 17-ാം വകുപ്പ് അനുസരിച്ച് ജനന മരണ സർട്ടിഫിക്കറ്റ് നൽകുമ്പോൾ തെരച്ചിൽ ഫീസ്, പകർപ്പ് ഫീസ് മുതലായവ വസൂലാക്കേണ്ടതാണെന്ന് നിർദ്ദേശിച്ചിരിക്കുന്നു. ചില എക്സിക്യൂട്ടീവ് ആഫീസർമാർ / രജിസ്ട്രാറന്മാർ പ്രസ്തുത ഫീസ് 065 (ജെ) 1 വി.എസ്. എന്ന ഹെഡ്ഡിൽ ചെല്ലാൻ അടച്ചുവരുന്നതായി കാണുന്നു. എന്നാൽ 4.10.1978-ലെ ജി.ഒ. (എം.എസ്)

237/78/ എൽ.എ. ആന്റ് എസ്. ഡബ്ല്യു. ഡി. ഗവൺമെന്റ് ഉത്തരവ് പ്രകാരം 1970-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിൽ വരുത്തിയിട്ടുള്ള ഭേദഗതി അനുസരിച്ച് ജനന മരണ രജിസ്ട്രേഷൻ നിയമപ്രകാരമുള്ള എല്ലാ വരുമാനവും (തെരച്ചിൽ ഫീസ്, പകർപ്പ് ഫീസ് മുതലായവ) അതാതു പഞ്ചായത്തു ഫണ്ടിലാണ് അടയ്ക്കേണ്ടതെന്ന് പറഞ്ഞിരിക്കുന്നു.

ആയതിനാൽ ജനന മരണ രജിസ്ട്രേഷനെ സംബന്ധിക്കുന്ന എല്ലാ വരുമാനവും ബന്ധപ്പെട്ട രജിസ്ട്രേഷൻ യൂണിറ്റിൽ (ബന്ധപ്പെട്ട പഞ്ചായത്തിലോ, മുനിസിപ്പാലിറ്റിയിലോ) അടയ്ക്കേണ്ടതാണെന്നു വ്യക്തമാക്കുകയും, റൂൾ 10(4) ൽ ആവശ്യപ്പെട്ട പ്രകാരം 10-ാം ഫാറത്തിൽ ഇത് സംബന്ധിച്ച കണക്കുകൾ വെച്ച് പോരേണ്ടതും ഈ രജിസ്റ്ററുകൾ പരിശോധന ഉദ്യോഗസ്ഥൻ ഇടയ്ക്കിടയ്ക്ക് പരിശോധിക്കേണ്ടതുമാണ്. [Circular J. 3385]

ജനന-മരണ രജിസ്റ്ററുകളുടെ പകർപ്പുകൾ നൽകുമ്പോൾ തെരച്ചിൽ ഫീസും പകർപ്പ് ഫീസും വസൂലാക്കുന്നതിനെ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ - ആക്ടിലെ സെക്ഷൻ 17 അനുസരിച്ച് ജനന-മരണ രജിസ്റ്ററുകളുടെ പകർപ്പുകൾ നൽകുമ്പോൾ തെരച്ചിൽ ഫീസും പകർപ്പ് ഫീസും വസൂലാക്കുന്നതിനെ സംബന്ധിച്ച്-

1969-ലെ ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ സെക്ഷൻ 17 അനുസരിച്ച് ജനനമരണ രജിസ്റ്ററുകളുടെ പകർപ്പ് ആവശ്യപ്പെടുമ്പോൾ തെരച്ചിൽ നടത്തുന്ന ഓരോ വർഷത്തേക്കും ഓരോ രൂപ ക്രമത്തിൽ പകർപ്പു ആവശ്യപ്പെടുന്നവരിൽ നിന്നും ഈടാക്കേണ്ടതും പകർപ്പ് ഫീസായി ഒരു രൂപായും ഈടാക്കേണ്ടതാണ്.

എന്നാൽ ജനന-മരണ രജിസ്ട്രാർ ജനറലിന്റെ വിശദീകരണം അനുസരിച്ച് ഹർജിക്കാരൻ സംഭവം നടന്ന തീയതിയും മാസവും വർഷവും രജിസ്റ്റർ ചെയ്ത തീയതിയും വ്യക്തമായി ഹർജിയിൽ പറഞ്ഞിരുന്നാൽ അങ്ങനെയുള്ളവയെ സംബന്ധിച്ച് സർട്ടിഫിക്കറ്റു നൽകുമ്പോൾ ഹർജിക്കാരനിൽ നിന്നും തെരച്ചിൽ ഫീസ് ഈടാക്കേണ്ടതില്ല. പകർപ്പ് ഫീസ് മാത്രം ഈടാക്കിയാൽ മതിയാകുന്നതാണ്.

ഇതു എല്ലാ രജിസ്ട്രാർമാരുടെയും ശ്രദ്ധയിൽപ്പെടുത്തേണ്ടതാണ്.

ആയതിനാൽ എല്ലാ താലൂക്ക് പഞ്ചായത്താഫീസർമാരും കമ്മീഷണർമാരും ഇത്തരത്തിലുള്ള സർട്ടിഫിക്കറ്റ് നൽകുമ്പോൾ മേൽപ്പറഞ്ഞ രീതിയിൽ സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ്. [ബി1. 4560/83, തിരുവനന്തപുരം, തീയതി 7/4/1983]

ജനന മരണ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റ് നൽകുന്നത് സംബന്ധിച്ച് പൊതുനിർദ്ദേശങ്ങൾ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ നിയമങ്ങളും ചട്ടങ്ങളും ജനങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് നൽകുന്നത് സംബന്ധിച്ച് പൊതുനിർദ്ദേശങ്ങൾ.

സൂചന: ജനന രജിസ്ട്രേഷൻ ആക്ട് 8, 13 വകുപ്പുകൾ.

ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്നു കാണിച്ചുകൊണ്ടുള്ള സർട്ടിഫിക്കറ്റ് ആവശ്യപ്പെട്ടുകൊണ്ടു രജിസ്ട്രാർമാർക്ക് ഒട്ടനവധി അപേക്ഷകൾ വന്നുകാണുന്നു. ഇക്കാര്യത്തിൽ പൊതു നിർദ്ദേശത്തിന്റെ ആവശ്യകത വന്നിരിക്കുകയാൽ എല്ലാ രജിസ്ട്രാർമാരുടെയും അറിവിലേക്കായി ഈ സർക്കുലർ പുറപ്പെടുവിക്കുന്നു.

ഒരു സംഭവം രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് രണ്ടു കാര്യങ്ങൾക്കു ഉപയോഗിക്കാറുണ്ട്. 1. താമസിച്ച് രജിസ്റ്റർ ചെയ്യാൻ. 2. രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്നു സർട്ടിഫിക്കറ്റ് ചില വിദേശരാജ്യങ്ങൾ ജനന-മരണ സർട്ടിഫിക്കറ്റ് ഹാജരാക്കണമെന്ന് നിർബന്ധിക്കുന്നില്ല. മറ്റ് സ്ഥാപനങ്ങളുടെയോ ജ്ഞാനസ്നാനങ്ങളുടെയോ സർട്ടിഫിക്കറ്റുകൾ നൽകിയാൽ ജനന-മരണ ദിവസങ്ങൾ അവിടെ അംഗീകരിക്കുന്നുണ്ട്. രണ്ടാമത്തെ ഇനത്തിൽ വരുന്ന ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തവയുമാകാം. ഇതു രജിസ്റ്റർ ചെയ്യാതെ തന്നെയോ, രജിസ്റ്റർ ചെയ്തതു തന്നെ എക്സ്ട്രാക്റ്റ് എടുക്കുന്ന നടപടിയിൽ നിന്ന് വിമുക്തമാക്കുന്നതിനുള്ള ഒരു എളുപ്പമാർഗ്ഗമായി ഉപയോഗപ്പെടുന്നതിനോ ആകാം. എന്നാൽ ജനന മരണ നിയമങ്ങൾ പ്രകാരം ജനനമരണങ്ങൾ താമസിച്ചു രജിസ്റ്റർ ചെയ്യുന്നതിനു മാത്രം ഇപ്രകാരം രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റിനു പ്രസക്തിയുള്ളൂ. രജിസ്ട്രേഷൻ ആക്ട് 8-ാം വകുപ്പനുസരിച്ച് ഒരു സംഭവം രജിസ്റ്റർ ചെയ്യാൻ ഒരു പൗരൻ ബാദ്ധ്യസ്ഥനാണ്. അതിനാൽ, ഇപ്രകാരം ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് രജിസ്ട്രാർ നൽകുന്നത് രജിസ്ട്രേഷനു വേണ്ടിയാണെന്ന് ഉറപ്പുവരുത്തേണ്ടതും ഉണ്ട്. ജനന മരണങ്ങൾ നടത്തിയിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് ജനന/മരണം സംഭവിക്കാത്ത ഒരു യൂണിറ്റിൽ നിന്നും നൽകേണ്ടതില്ലല്ലോ. അതിനാൽ ജനന/മരണ രജിസ്ട്രേഷൻ ജില്ലാ പഞ്ചായത്താഫീസറുടെയും റവന്യൂ ഡിവിഷണൽ ഓഫീസറുടെയും അനുവാദത്തോടെ നടത്തേണ്ട കേസുകളിൽ മാത്രമേ 'രജിസ്ട്രേഷൻ നടന്നിട്ടില്ല' എന്ന സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതുള്ളൂ. അതിനാൽ ഇപ്രകാരം നൽകുന്ന സർട്ടിഫിക്കറ്റുകൾ മേലിൽ ഡിസ്ട്രിക്ട് രജിസ്ട്രാറുടെയോ/മജിസ്ട്രേറ്റ്/ആർ.ഡി.ഒ. യുടെയോ ആവശ്യത്തിനു

മാത്രമായി നൽകേണ്ടതാണ്. അപേക്ഷകൾ മേൽ ആവശ്യത്തിനു നേരിട്ട് അപേക്ഷ സമർപ്പിക്കുന്ന പക്ഷം ഇപ്രകാരമുള്ള സർട്ടിഫിക്കറ്റ് അന്വേഷണം നടത്തി ജനന-മരണങ്ങൾ പ്രസ്തുത യൂണിറ്റിൽ തന്നെയാണ് നടന്നിട്ടുള്ളതെന്ന് ഉറപ്പുവരുത്തിയശേഷമേ നൽകേണ്ടതുള്ളൂ. സർട്ടിഫിക്കറ്റിൽ താമസിച്ചുള്ള രജിസ്ട്രേഷൻ നടത്തുന്നതിനു ഇന്നഇന്ന അധികാരിക്ക് സമർപ്പിക്കുന്നതിനാണ് പ്രസ്തുത സർട്ടിഫിക്കറ്റ് എന്നും പ്രത്യേകം കാണിച്ചിരിക്കേണ്ടതും അപ്രകാരമുള്ള രജിസ്ട്രേഷന് 13-ാം വകുപ്പു പ്രകാരമുള്ള ഫീസ് ഈടാക്കുന്നതിനു പുറമേ 24-ാം വകുപ്പ് പ്രകാരമുള്ള ഫൈനും ഈടാക്കാവുന്നതാണ്. [ബി1. 67004/85/എൽ.ഡിസ്, തിരുവനന്തപുരം, തീയതി 1/2/1986]

ജനന-മരണ രജിസ്ട്രേഷൻ - സർട്ടിഫിക്കറ്റ് നൽകുന്നതു സംബന്ധിച്ചുള്ള നിർദ്ദേശങ്ങൾക്കു വ്യതിയാനം വരുത്തുന്നതിനെ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ നിയമങ്ങളും ചട്ടങ്ങളും - ജനനം രജിസ്റ്റർ ചെയ്തിട്ടില്ലായെന്ന സർട്ടിഫിക്കറ്റ് നൽകുന്നതു സംബന്ധിച്ചുള്ള നിർദ്ദേശങ്ങൾക്കു വ്യതിയാനം വരുത്തുന്നതിനെ സംബന്ധിച്ച്.

സൂചന:- 1.2.1986-ലെ ബി 1. 67004/85-ാം നമ്പർ സർക്കുലർ പ്രകാരം ചീഫ് രജിസ്ട്രാർ പുറപ്പെടുവിച്ചിട്ടുള്ള സർക്കുലർ.

മേൽ സൂചന പ്രകാരമുള്ള സർക്കുലറിലേക്ക് എല്ലാ ജനന-മരണ രജിസ്ട്രാർമാരുടെയും ബന്ധപ്പെട്ട ഓഫീസർമാരുടെയും ശ്രദ്ധ ക്ഷണിക്കുന്നു. ടി സർക്കുലറിൽ ജനന-മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ ബന്ധപ്പെട്ട അധികാരികളുടെ പക്കൽനിന്നും ടി സംഭവങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അനുവാദത്തിനു വേണ്ടി മാത്രമേ ജനനമോ മരണമോ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്നുള്ള സർട്ടിഫിക്കറ്റ് നൽകാവൂ എന്ന് നിർദ്ദേശിച്ചിരുന്നു. ഈ അടിസ്ഥാനത്തിൽ രജിസ്ട്രാർമാർ പ്രവർത്തിച്ചു തുടങ്ങിയപ്പോൾ വിധവകളുടെ പെൺമക്കളുടെ വിവാഹാവശ്യത്തിനു ഗവൺമെന്റിൽ നിന്നും ഉള്ള ധനസഹായം ലഭിക്കുന്നതിനുള്ള പ്രയാസങ്ങൾ അനുഭവപ്പെടുന്നതായി പരാതികൾ വരുകയും ഈ വിഷയം നിയമസഭയിൽ ചർച്ചാവിഷയമാവുകയുമുണ്ടായി. ഈ സാഹചര്യത്തിൽ മേൽ സൂചന പ്രകാരമുള്ള സർക്കുലറിലെ നിർദ്ദേശത്തിന് ചെറിയ ഒരു വ്യതിയാനം വരുത്തി.

'ജനനം രജിസ്റ്റർ ചെയ്തിട്ടില്ല' എന്ന സർട്ടിഫിക്കറ്റ് വിധവകളുടെ പെൺമക്കളുടെ വിവാഹാവശ്യത്തിനു ഗവൺമെന്റ് ധനസഹായം ലഭിക്കുന്നതിനുകൂടി നൽകാവുന്നതാണെന്നുള്ള വിവരങ്ങൾ എല്ലാ രജിസ്ട്രാർമാരേയും ബന്ധപ്പെട്ട ഓഫീസർമാരേയും അറിയിക്കുന്നു. [ബി1. 40077/86, തിരുവനന്തപുരം 6.8.86]

ബി. 19251/86/ എൽ.ഡിസ്. നമ്പരായി പഞ്ചായത്ത് ഡയറക്ടർ, തിരുവനന്തപുരം, എല്ലാ ജില്ലാ പഞ്ചായത്താഫീസർമാർക്കും അയച്ച കത്തിന്റെ പകർപ്പ്.

വിഷയം: ജനന രജിസ്റ്ററിൽ പേര് ചേർക്കുന്നത് സംബന്ധിച്ചുള്ള സംശയ നിവൃത്തി.

സൂചന: കൊട്ടാരക്കര താലൂക്ക് പഞ്ചായത്താഫീസറുടെ 21.3.86-ലെ റ്റിപി - 3 287/86-ാം നമ്പർ കത്ത്.

ജനന രജിസ്ട്രേഷൻ രേഖകളിൽ പേരു ചേർക്കുന്നതിനുള്ള സംശയ നിവൃത്തിക്കായി താഴെ കുറിക്കുന്ന കാര്യങ്ങൾ താങ്കളുടെ ശ്രദ്ധയിൽപ്പെടുത്തുന്നു. 1970-ലെ ജനന രജിസ്ട്രേഷൻ റൂൾ 11 അനുസരിച്ച് ജനന രജിസ്റ്ററുകളിൽ പേര് രജിസ്ട്രാർക്ക് ചേർക്കാവുന്നതാണ്. ഇക്കാര്യത്തിൽ ജനന സർട്ടിഫിക്കറ്റിന് അപേക്ഷിക്കുമ്പോൾ കുട്ടിയുടെ പേര് ചേർത്ത് എക്സ്ട്രാക്റ്റ് നൽകുന്നതിനു നടപടി സ്വീകരിക്കേണ്ടതാണ്. പേര് ചേർക്കുന്നതിന് വൈകി അപേക്ഷിക്കുമ്പോൾ പേര് ചേർക്കാൻ ഉദ്ദേശിക്കുന്ന രജിസ്ട്രേഷനിലെ ജനനം യഥാർത്ഥത്തിൽ ആ കുടുംബത്തിലെ തന്നെ പേരു ചേർക്കാൻ അപേക്ഷിച്ചിരിക്കുന്ന കുട്ടിയുടെ തന്നെയാണോ എന്ന് നിജപ്പെടുത്തേണ്ടതുണ്ട്. അതിനാൽ ഇപ്രകാരമുള്ള സംഗതികളിൽ കുട്ടിയുടെ പിതാവിന്റെയും മാതാവിന്റെയും (ജീവിച്ചിരിപ്പുണ്ടെങ്കിൽ) യോജിച്ചുള്ള ഒരപേക്ഷ ഇക്കാര്യത്തിൽ വാങ്ങി ആവശ്യമായ അന്വേഷണങ്ങൾ നടത്തേണ്ടതുണ്ട്.

പ്രസ്തുത മാതാപിതാക്കൾക്ക് ജനിച്ച മറ്റു കുട്ടികളുടെ വിവരം ശേഖരിക്കുകയും (മരണപ്പെട്ടിട്ടുണ്ടെങ്കിൽ അതും) ചേർക്കുന്ന പേര് രജിസ്ട്രേഷൻ രേഖകളിലെ ജനന തീയതികളിൽ തന്നെ ജനിച്ച കുട്ടിയുടേത് തന്നെ ആണോ എന്ന് വ്യക്തമായി ബോദ്ധ്യപ്പെട്ടുവേണം; അതിന് ആവശ്യമെങ്കിൽ തഹസീൽദാരുടെ സർട്ടിഫിക്കറ്റ് ഹാജരാക്കാൻ രജിസ്ട്രാർക്ക് നിർദ്ദേശിക്കാവുന്നതാണ്. അത് കൃത്യമായി ശ്രദ്ധിച്ചില്ലെങ്കിൽ വയസ് കൂറച്ചു കിട്ടുന്നതിനുവേണ്ടി ഗൂഢമായ മാർഗ്ഗമാണോ എന്ന് കണ്ടുപിടിക്കാൻ സാധിക്കുന്നതല്ല. മരണപ്പെട്ട ഇളയകുട്ടികളുടെ ജനന രേഖകളിൽ ജീവിച്ചിരിക്കുന്ന മൂത്ത കുട്ടിയുടെ പേരു ചേർത്ത് വയസ് ഇളവു ലഭിക്കുന്നതിനുവേണ്ടി ഒരു തന്ത്രമായി ഈ മാർഗ്ഗം ഉപയോഗിച്ച സംഭവങ്ങൾ ഉണ്ടായിട്ടുള്ളതിനാൽ ഇക്കാര്യത്തിൽ കർശനമായ ശ്രദ്ധ പാലിക്കണം.

അന്വേഷണത്തിൽ പൂർണ്ണമായും ബോദ്ധ്യപ്പെടുന്നുണ്ടെങ്കിൽ ലേറ്റ് ഫീയും ഫൈനും ഈടാക്കി പേര് ചേർക്കാവുന്നതാണ്.

1969-ലെ ജനന-മരണ നിയമങ്ങൾ നിലവിൽ വരുന്നതിനു മുമ്പുള്ള കേസുകളിൽ ചീഫ് രജിസ്ട്രാറുടെ മുൻ അനുവാദത്തോടുകൂടി മാത്രമേ പേരു ചേർക്കാവൂ.

ജില്ലയിലെ എല്ലാ രജിസ്ട്രാർമാരേയും ഈ വിവരം അറിയിക്കേണ്ടതാണ്.

സർട്ടിഫിക്കറ്റുകൾ നൽകുന്നതിൽ കാലതാമസം ഒഴിവാക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റുകൾ നൽകുന്നതിൽ കാലതാമസം ഒഴിവാക്കുന്നത് സംബന്ധിച്ച്.

പഞ്ചായത്തുകളിൽ നിന്നും ജനന മരണ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റുകൾ നൽകുന്നതിൽ കാലതാമസം വരുന്നതായി പൊതുജനങ്ങളിൽ നിന്നും പരാതികൾ ലഭിച്ചുകൊണ്ടിരിക്കുന്നു.

ആയതിനാൽ, ജനന മരണ രജിസ്ട്രാർമാരുടെ ഭാഗത്തുനിന്നും ടി. സർട്ടിഫിക്കറ്റുകൾ നല്കുന്നതിനുണ്ടാകുന്ന കാലതാമസം ഒഴിവാക്കുന്നതിന് സത്വര നടപടികൾ സ്വീകരിക്കണമെന്ന് നിർദ്ദേശിക്കുന്നു.

ഓരോ ദിവസവും ലഭിക്കുന്ന അപേക്ഷകൾ പരിശോധിച്ച് അത് ലഭിക്കുന്ന ദിവസം തന്നെ സർട്ടിഫിക്കറ്റ് നല്കുന്നതിന് നടപടി സ്വീകരിക്കുവാൻ ബന്ധപ്പെട്ട ജീവനക്കാരന് (സബ് രജിസ്ട്രാർമാർക്ക്) നിർദ്ദേശം നല്കുകയും പ്രസ്തുത ദിവസം തന്നെ ടി. സർട്ടിഫിക്കറ്റുകൾ ഒപ്പിട്ടു നല്കുന്നതിന് രജിസ്ട്രാർമാരും ശ്രദ്ധിക്കണമെന്നും അറിയിക്കുന്നു. വീഴ്ചക്കാരുടെ മേൽ ശക്തമായ നടപടി സ്വീകരിക്കുന്നതാണെന്നും അറിയിക്കുന്നു. [ബി. 35552/87, തിരുവനന്തപുരം, തീയതി : 8/7/1987]

രജിസ്ട്രാർമാരുടെ ഒപ്പ് രേഖപ്പെടുത്തുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന-മരണ-വിവാഹ രജിസ്ട്രേഷൻ - ബന്ധപ്പെട്ട രജിസ്ട്രാർമാരുടെ ഒപ്പ് രേഖപ്പെടുത്തുന്നത് സംബന്ധിച്ച്.

ജനന-മരണ-വിവാഹ രജിസ്ട്രേഷൻ സമയത്ത് ബന്ധപ്പെട്ട രജിസ്റ്ററുകൾ ബന്ധപ്പെട്ട രജിസ്ട്രാർമാർ നിയമാനുസരണം ഒപ്പിടാത്തതിനാൽ, ഇവയുടെ പകർപ്പ് പൊതുജനങ്ങൾ ആവശ്യപ്പെടുമ്പോൾ രജിസ്ട്രാർമാർ ഒപ്പ് വയ്ക്കാത്തതു കാരണം നൽകുന്നില്ല എന്ന പരാതി ക്രമാതീതമായി ഈ ഓഫീസിൽ ലഭിച്ചുകൊണ്ടിരിക്കുകയാണ്. രജിസ്ട്രേഷൻ സമയത്ത് ബന്ധപ്പെട്ട രജിസ്റ്ററുകളിൽ പ്രത്യേകം തയ്യാറാക്കിയിട്ടുള്ള കോളങ്ങളിൽ ഒപ്പു രേഖപ്പെടുത്തിയിരിക്കേണ്ടതാണ്. അപ്രകാരം ഒപ്പിടാത്തതു ഗുരുതരമായ കൃത്യവിലോപമായി കണക്കാക്കി അവരുടെ പേരിൽ നടപടി സ്വീകരിക്കേണ്ടിവരും എന്ന കാര്യം പ്രത്യേകം ഓർമ്മപ്പെടുത്തുന്നു. ജനന-മരണ വിവാഹ രജിസ്ട്രേഷനുകളുടെ പകർപ്പുകൾ അവയുമായി ബന്ധപ്പെട്ട വ്യക്തികൾ ആവശ്യപ്പെട്ടാൽ കാലതാമസം കൂടാതെ നൽകുവാനുള്ള ചുമതല ബന്ധപ്പെട്ട രജിസ്ട്രാർമാരിൽ നിക്ഷിപ്തമാണ്. മേൽപ്പറഞ്ഞ രജിസ്ട്രേഷനുകളുടെ പകർപ്പുകൾ നൽകുന്നതിന് പ്രതിഫലം ആവശ്യപ്പെടുന്നതായും ഒട്ടനവധി പരാതികൾ പൊതുജനങ്ങളിൽ നിന്നും ലഭിച്ചിട്ടുണ്ട്. ഇത് ക്ഷന്തവ്യമായ കാര്യമല്ല. ബന്ധപ്പെട്ട രജിസ്റ്ററുകളിൽ ഒപ്പ് രേഖപ്പെടുത്തുകയും ഒരുപക്ഷേ അവർ സർവീസിൽ നിന്നും പിരിഞ്ഞുപോയിട്ടുണ്ടെങ്കിൽ നിലവിലുള്ള രജിസ്ട്രാർമാർ വിവാഹറിപ്പോർട്ട്, ജനന മരണ റിപ്പോർട്ട് എന്നിവ പരിശോധിച്ച് നിജസ്ഥിതി ഉറപ്പുവരുത്തി ഒപ്പ് രേഖപ്പെടുത്തി ബന്ധപ്പെട്ടവർക്ക് രജിസ്ട്രേഷനുകളുടെ പകർപ്പുകൾ യഥാസമയം വിതരണം ചെയ്യേണ്ടതാണ്. ജനന-മരണ, വിവാഹ രജിസ്ട്രേഷൻ ചുമതല വഹിക്കുന്ന ജീവനക്കാർക്ക് ഈ വിഷയത്തിൽ കർശനമായ നിർദ്ദേശം നല്കണമെന്നും അറിയിക്കുന്നു. നിയമാനുസരണം രജിസ്ട്രേഷനുകൾ നടത്താനും പൊതുജനങ്ങളെ ബുദ്ധിമുട്ടിക്കാത്ത രീതിയിൽ പകർപ്പുകൾ ആവശ്യപ്പെടുമ്പോൾ അവ യഥാസമയം നല്കുവാനും ബന്ധപ്പെട്ട രജിസ്ടാർമാർ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണ്.

സ്കൂൾ അഡ്മിഷൻ തുടങ്ങുന്ന അവസരങ്ങളിൽ ഈ വിഷയത്തിൽ പരാതികൾക്കിട നൽകാതിരിക്കുവാൻ പ്രത്യേകം ശ്രദ്ധ പതിപ്പിക്കേണ്ടതാണ്. [നമ്പർ ബി 1.16649/88, തിരുവനന്തപുരം, തീയതി 20.6.88]

ജനന-മരണ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റുകൾ അയക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന-മരണ രജിസ്ട്രേഷൻ - പഞ്ചായത്തുകളിൽ നിന്നും മാസംതോറും അയയ്ക്കുന്ന ജനന-മരണ രജിസ്ട്രേഷൻ കാർഡുകൾ അയച്ചു എന്നുള്ളത് സംബന്ധിച്ച് സർട്ടിഫിക്കറ്റുകൾ അയക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: ഇല്ല.

പഞ്ചായത്തുകളിൽ രജിസ്റ്റർ ചെയ്യുന്ന ജനനവും മരണവും സംബന്ധിച്ച് കാർഡുകൾ എല്ലാ മാസവും 5-ാം തീയതിക്കുമുമ്പ് അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയച്ചുവരുന്നുണ്ട്. അപ്രകാരം അയച്ചിട്ടുണ്ട് എന്നുള്ള സർട്ടിഫിക്കറ്റ് നിശ്ചിത ഫാറത്തിൽ ചീഫ് രജിസ്ട്രാർ കൂടിയായ പഞ്ചായത്ത് ഡയറക്ടർക്ക്

അയച്ചുവരികയാണ് പതിവ്. എന്നാൽ നിശ്ചിത സമയത്തിനുള്ളിൽ പ്രസ്തുത കാർഡുകൾ ലഭിക്കുന്നില്ലായെന്ന പരാതി അഡീഷണൽ ചീഫ് രജിസ്ട്രാറിൽ നിന്നും ലഭിച്ചുവരുന്നു. പ്രസ്തുത കാലതാമസം ഒഴിവാക്കുന്നതിന് ചുവടെ ചേർക്കുന്ന നിർദ്ദേശം നൽകുന്നു.

എല്ലാ മാസവും 5-ാം തീയതിക്കുമുമ്പ് ബന്ധപ്പെട്ട കാർഡുകൾ (ജനന-മരണ രജിസ്ട്രേഷൻ കാർഡുകൾ) പഞ്ചായത്തുകളിൽ നിന്നും നേരിട്ട് അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയച്ചിരിക്കേണ്ടതാണ്. അപ്രകാരം കാർഡുകൾ അയച്ചു എന്നുള്ള സർട്ടിഫിക്കറ്റ് നിശ്ചിത ഫാറത്തിൽ ബന്ധപ്പെട്ട താലൂക്ക് പഞ്ചായത്താഫീസർമാർക്ക് എക്സിക്യൂട്ടീവ് ആഫീസർമാർ (രജിസ്ട്രാർമാർ) എല്ലാ മാസവും 5-ാം തീയതി തന്നെ അയച്ചിരിക്കണം.

താലൂക്ക് പഞ്ചായത്താഫീസർ പ്രസ്തുത കാർഡുകൾ എല്ലാ മാസവും 5-ാം തീയതിക്കു മുമ്പ് മേൽവിവരിച്ച പ്രകാരം അയപ്പിക്കുന്നതിന് ചുമതലപ്പെടുത്തുന്നു. കൂടാതെ കാർഡുകൾ അയച്ചുവെന്നുള്ള സർട്ടിഫിക്കറ്റ് നിശ്ചിത ഫാറത്തിൽ വാങ്ങി പരിശോധിച്ച് റിവ്യൂ ചെയ്ത് റിപ്പോർട്ട് ചീഫ് രജിസ്ട്രാർക്ക് (പഞ്ചായത്ത് ഡയറക്ടർക്ക്) എല്ലാ മാസവും 10-ാം തീയതിക്കു മുമ്പ് അയച്ചിരിക്കണം.

നിശ്ചിത തീയതിക്കുമുമ്പ് അയക്കാത്തവരുടെ പേര് വിവരം കൂടി റിവ്യൂ റിപ്പോർട്ടിൽ രേഖപ്പെടുത്തിയിരിക്കണമെന്നും നിർദ്ദേശിക്കുന്നു. [ബി1. 7355/89, തിരുവനന്തപുരം, തീയതി: 5/3/89]

1970 ന് മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന-മരണ രജിസ്ട്രേഷൻ 1970 ന് മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച്.

സൂചന: ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെ 1987-ലെ 769-ാം നമ്പർ റിട്ട് അപ്പീലിന്റെ വിധി 1987 (2) കെ.എൽ.റ്റി. 1028-ാം നമ്പരായി പ്രസിദ്ധീകരിച്ചത്.

ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ട് 1969 നോടനുബന്ധിച്ചുള്ള റൂൾ (1970) ഈ സംസ്ഥാനത്തിൽ പ്രാബല്യത്തിൽ വന്നത് 1970-ലാണ്. ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ട് 1969-ലെ സെക്ഷൻ 13(3) പ്രകാരം ജനനം മരണം ഇവ സംഭവിച്ച് ഒരു വർഷം കഴിഞ്ഞിട്ടും രജിസ്റ്റർ ചെയ്യാത്ത കേസ്സുകൾ ഫസ്റ്റ് ക്ലാസ് മജിസ്ട്രേട്ടിന്റെ (ആർ.ഡി.ഒ.) ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ രജിസ്റ്റർ ചെയ്യാവുന്നതാണെന്ന് കാണുന്നുണ്ട്. എന്നാൽ പ്രസ്തുത നിയമത്തിനു (ആക്ടിനു) മുൻകാല പ്രാബല്യം ഇല്ലായെന്ന് ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെ വിധിന്യായത്തിൽ വിവരിച്ചിരിക്കുന്നു. 1970 നു പ്രാബല്യത്തിൽ വന്ന ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിനു മുൻകാല പ്രാബല്യമില്ലെന്നും, ആയതിനാൽ 1970 മുമ്പുള്ള ഇത്തരം കേസ്സുകൾ രജിസ്റ്റർ ചെയ്യാൻ നിർവാഹമില്ലെന്നുമുള്ള ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെ മേൽ സൂചന പ്രകാരമുള്ള ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ ഈ വിഷയത്തിൽ സ്വീകരിക്കേണ്ട നടപടിക്കുവേണ്ടി രജിസ്ട്രാർ ജനറലിന് എഴുതിയിരിക്കുന്നതിനാൽ, രജിസ്ട്രാർ ജനറലിൽ നിന്നും മറുപടി ലഭിച്ച ശേഷമേ 1-4-1970 നു മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച തീരുമാനം എടുക്കുവാൻ സാധിക്കുകയുള്ളൂവെന്ന വിവരം അറിയിക്കുന്നു. അതുവരെ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന അറിയിപ്പ് വേണ്ടത്ര അന്വേഷണത്തിനു ശേഷം ജനനമോ മരണമോ നടന്ന യൂണിറ്റിലെ രജിസ്ട്രാർമാർ നല്കുന്നതിന് അനുവദിച്ചിരിക്കുന്നു. [നമ്പർ ബി1, 7275/89, തിരുവനന്തപുരം, തീയതി: 6-4-89]

ജനന മരണ രജിസ്ട്രേഷൻ - റിവ്യൂ റിപ്പോർട്ട് അയക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ - റിവ്യൂ റിപ്പോർട്ട് അയക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: ഈ ആഫീസിലെ 5/3/89 ബി1/7355/89 നമ്പർ സർക്കുലർ.

മേൽ സൂചന സർക്കുലർ പ്രകാരം താലൂക്ക് പഞ്ചായത്താഫീസുകളിൽ നിന്നും ഈ ആഫീസിലേക്കു അയച്ചുതരുന്ന റിവ്യൂ റിപ്പോർട്ടിനോടൊപ്പം സർട്ടിഫിക്കറ്റുകളും ഉള്ളടക്കം ചെയ്തു കാണുന്നു. ഈ നടപടി ശരിയല്ല. സർട്ടിഫിക്കറ്റുകൾ വാങ്ങി പരിശോധിച്ച് റിവ്യൂ റിപ്പോർട്ട് മാത്രം അയച്ചാൽ മതിയെന്നുള്ള നിർദ്ദേശമാണ് മേൽസൂചന പ്രകാരം നൽകിയിരിക്കുന്നത്. കൂടാതെ നിശ്ചിത തീയതിക്കുള്ളിൽ കാർഡുകൾ അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയപ്പിക്കുകയെന്നുള്ളതും പരമ പ്രാധാന്യം ഉള്ളതാണ്. ആയതിനാൽ മേലിൽ പഞ്ചായത്തുകളിൽ നിന്നും എല്ലാമാസവും 5-ാം തീയതിക്കുമുമ്പ് സർട്ടിഫിക്കറ്റിന്റെ ഒരു കോപ്പി മാത്രം വാങ്ങി പരിശോധിച്ച് ആയതിന്റെ റിവ്യൂ റിപ്പോർട്ട് മാത്രം ഈ ആഫീസിലേക്ക് അയച്ചുതരുവാൻ നിർദ്ദേശിക്കുന്നു. [നമ്പർ ബി2 23436/89, തിരുവനന്തപുരം, തീയതി: 2-6-1989]

1-4-70 നു മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: 1 4 70 നു മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച്.

സൂചന: ഈ ആഫീസിലെ 6-4-89 ലെ ബി1 7275/89 നമ്പർ സർക്കുലർ

ജനന മരണ രജിസ്ട്രേഷൻ ആക്ട് 1969 നു മുൻകാലപ്രാബല്യമില്ല എന്ന ഹൈക്കോടതി വിധി

യുടെ അടിസ്ഥാനത്തിൽ 1-4-70 നു മുമ്പുള്ള ജനനവും മരണവും ഇനി ഒരുത്തരവുണ്ടാകുന്നതുവരെ രജിസ്റ്റർ ചെയ്യുവാൻ പാടില്ല എന്നുള്ള വിവരം അറിയിക്കുന്നു. [ബി1. 11118/89, തിരുവനന്തപുരം, തീയതി 30/6/1989]

ജനന മരണ രജിസ്ട്രേഷൻ ആക്ട്-അപാകതകൾ പരിഹരിക്കുന്നതിനെപ്പറ്റിയുള്ള നിർദ്ദേശങ്ങൾ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: 1969 ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ട് നടപ്പിലാക്കുന്നതിനുള്ള അപാകതകൾ പരിഹരിക്കുന്നതിനെപ്പറ്റിയുള്ള നിർദ്ദേശങ്ങൾ.

സൂചന: ഇല്ല.

ജനന മരണ രജിസ്റ്ററുകൾ എഴുതുക, പേരു ചേർക്കുക, തിരുത്തലുകൾ വരുത്തുക തുടങ്ങിയ കാര്യങ്ങളെ സംബന്ധിച്ച് ഈ ആഫീസിൽ നിന്നും നിരവധി നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുണ്ട്. എന്നാൽ 1990-ലെ മാർച്ച് മാസത്തിൽ കേന്ദ്ര ഗവൺമെന്റിലെ ജനനമരണ രജിസ്ട്രേഷൻ വിഭാഗത്തിലെ ഉന്നതാധികാരികൾ ഈ ആഫീസിലെ ഡപ്യൂട്ടി ചീഫ് രജിസ്ട്രാറുമൊരുമിച്ച് സംസ്ഥാനത്തെ ചില മുനിസിപ്പാലിറ്റികളും പഞ്ചായത്തുകളും സന്ദർശിച്ച് ജനന മരണ രജിസ്ട്രേഷൻ റിക്കാർഡുകൾ പരിശോധിച്ചപ്പോൾ വളരെയേറെ അപാകതകൾ, ഗൗരവമുള്ളവയുൾപ്പെടെ, ശ്രദ്ധിക്കപ്പെടുകയുണ്ടായി. ആവശ്യമായ നിർദ്ദേശങ്ങൾ ഉണ്ടെങ്കിലും അവ കൃത്യമായി പാലിക്കപ്പെടുന്നില്ല എന്നാണ് ഇത് കാണിക്കുന്നത്. താഴെപ്പറയുന്ന അപാകതകൾ ആണ് പ്രധാനമായും കണ്ടത്.

1. ജനനമരണ രജിസ്റ്ററുകളിൽ എല്ലാ കോളങ്ങളും കൃത്യമായി പൂരിപ്പിച്ചിട്ടില്ല.
2. ജനന രജിസ്റ്ററിൽ 'ടൈപ്പ് ഓഫ് അറ്റൻഷൻ' എന്ന കോളത്തിൽ 'നോർമൽ' എന്ന് രേഖപ്പെടുത്തിയിരിക്കുന്നു.
3. രജിസ്റ്ററുകളിൽ രജിസ്ട്രാർമാർ ഒപ്പ് രേഖപ്പെടുത്തിയിട്ടില്ല.
4. ഓഫീസിൽ നേരിട്ടുവന്ന് റിപ്പോർട്ട് ചെയ്യുന്ന അവസരത്തിൽ വിവരം താരതമ്യപ്പെടുത്തുന്നയാളിന്റെ ഒപ്പ് രജിസ്റ്ററിൽ രേഖപ്പെടുത്തിയിട്ടില്ല.
5. ആശുപത്രികളിൽനിന്നും ലഭിക്കുന്ന ജനനമരണ റിപ്പോർട്ട് ഫാറങ്ങൾ ഭദ്രമായി സൂക്ഷിച്ചിട്ടില്ല.
6. പേരും മേൽവിലാസവും അവ്യക്തമായി രേഖപ്പെടുത്തിയിരിക്കുന്നു.
7. ആനുകാലികങ്ങൾ യഥാസമയം ചീഫ് രജിസ്ട്രാർക്കും അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്കും അയയ്ക്കാതിരിക്കുക.
8. താമസിച്ചു രജിസ്റ്റർ ചെയ്യുന്ന ജനനമരണങ്ങളുടെ അനുവാദ ഉത്തരവുകൾ ഭദ്രമായി സൂക്ഷിക്കാതിരിക്കുക.
9. 12-ാം വകുപ്പ് അനുസരിച്ചു നൽകുന്ന സർട്ടിഫിക്കറ്റുകളുടെ വിവരം കാണിക്കുന്ന രജിസ്റ്റർ, ലേറ്റ് ഫീസ്, തെരച്ചിൽ ഫീസ്, പകർത്തു ഫീസ്, പേര് ചേർക്കുന്നതിനുള്ള ഫീസ് എന്നിവ കാണിക്കുന്ന രജിസ്റ്റർ എന്നിവ കൃത്യമായി എഴുതാതിരിക്കുക.

ആകയാൽ നാളിതുവരെയുള്ള എല്ലാ നിർദ്ദേശങ്ങളും ക്രോഡീകരിച്ച് താഴെപ്പറയുന്ന പുതുക്കിയ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു. ഈ സർക്കുലർ ലഭിക്കുന്ന തീയതി മുതൽ ഇതിലെ നിർദ്ദേശങ്ങൾ പ്രകാരമേ പ്രവർത്തിക്കാൻ പാടുള്ളൂ എന്ന് എല്ലാ രജിസ്ട്രാർമാരേയും ജില്ലാ രജിസ്ട്രാർമാരെയും തര്യപ്പെടുത്തിക്കൊള്ളുന്നു. സൗകര്യാർത്ഥം രജിസ്റ്ററുകൾ എഴുതേണ്ട രീതിയെ സംബന്ധിച്ച് പട്ടിക ഒന്നിലും, പേരു ചേർക്കുക, തിരുത്തൽ നടത്തുക എന്നിവയെപ്പറ്റി പട്ടിക രണ്ടിലും ആനുകാലികങ്ങൾ തയ്യാറാക്കി അയക്കുന്ന കാര്യത്തെപ്പറ്റി പട്ടിക മൂന്നിലും മറ്റ് കാര്യങ്ങൾ പട്ടിക നാലിലും പ്രതിപാദിച്ചിരിക്കുന്നു.

പട്ടിക - 1

ജനന മരണ രജിസ്റ്ററുകൾ എഴുതേണ്ട രീതി

1. രജിസ്റ്ററിലെ എല്ലാ കോളങ്ങളും കൃത്യമായും പൂർണ്ണമായും പൂരിപ്പിച്ചിരിക്കണം. പ്രത്യേകിച്ച് മേൽവിലാസം വ്യക്തമായിരിക്കണം.

2. ജനന സ്ഥലം മരണ സ്ഥലം ആശുപത്രിയാണെങ്കിൽ ആശുപത്രിയുടെ പേര്, വീട്ടിലാണെങ്കിൽ വീട്ടുപേര്, കെട്ടിടത്തിന്റെ നമ്പർ എന്നിവ രേഖപ്പെടുത്തണം.

3. പ്രസവസമയത്തുള്ള മാതാവിന്റെ വയസ്സ്/വിവാഹസമയത്തുള്ള വയസ്സ് ഇവ രണ്ടും രേഖപ്പെടുത്തണം.

4. ജനന ക്രമം, പ്രസവം എത്രാമത്തെയാണെന്നും/ഈ പ്രസവത്തിലേതുൾപ്പെടെ ജീവിച്ചിരിക്കുന്ന കുട്ടികൾ എത്രയെന്നും എഴുതണം.

5. പ്രസവസമയത്തെ ടൈപ്പ് ഓഫ് അറ്റൻഷൻ എന്ന കോളത്തിൽ ആശുപത്രിയിലാണെങ്കിൽ ആശുപത്രിയുടെ പേരെഴുതണം. വീട്ടിലാണെങ്കിൽ ശുശ്രൂഷ നൽകുന്നയാൾ ട്രെയിൻഡ് മിഡ് വൈഫ് (റ്റി.എം) എന്നും നാടൻ വയറ്റാട്ടി/പതിച്ചികളാണെങ്കിൽ അൺട്രെയിൻഡ് മിഡ് വൈഫ് (യു.റ്റി.എം) എന്നും എഴുതേണ്ടതാണ്. രജിസ്റ്ററിൽ ഫുട്ട്നോട്ടായി ഈ വിവരം പ്രത്യേകം ചേർത്തിട്ടുള്ളത് ശ്രദ്ധിക്കുക.

6. മരണ രജിസ്റ്ററിൽ ടൈപ്പ് ഓഫ് മെഡിക്കൽ അറ്റൻഷൻ എന്ന കോളത്തിൽ ഏതുതരത്തിലുള്ള ചികിത്സയാണ് നടത്തിയിരുന്നത് എന്നാണ് എഴുതേണ്ടത്.

ഉദാ: അലോപ്പതി, ആയുർവ്വേദം, ഹോമിയോപ്പതി മുതലായ ചികിത്സാരീതികൾ

7. മരണകാരണം ബന്ധപ്പെട്ട കോളത്തിൽ വ്യക്തമായി എഴുതണം.

8. ആഫീസിൽ നേരിട്ട് റിപ്പോർട്ട് ചെയ്യുന്ന അവസരത്തിൽ അവരെ ചോദ്യം ചെയ്ത് രജിസ്റ്ററിലെ എല്ലാ കോളങ്ങളും പൂരിപ്പിക്കേണ്ടതും അതിനുശേഷം ആയത് അവരെ വായിച്ചുകേൾപ്പിച്ച് ശരിയാണെന്ന് ഉത്തമബോധ്യം വന്നശേഷം വിവരം തരുപ്പെടുത്തുന്നയാളിന്റെ ഒപ്പ് ബന്ധപ്പെട്ട കോളത്തിൽ രേഖപ്പെടുത്തി വാങ്ങേണ്ടതുമാണ്. അല്ലാതെ ഫാറം 2, 3, 4 എന്നിവ പൂരിപ്പിച്ചു വാങ്ങേണ്ടതില്ല.

9. ആശുപത്രികളിൽ നിന്നും ലഭിക്കുന്ന 2, 3, 4 ഫാറങ്ങൾ ഓരോ വർഷത്തെയും പ്രത്യേകമായി ബയന്റു ചെയ്തു അതാത് രജിസ്റ്ററിനോടൊപ്പം സൂക്ഷിക്കേണ്ടതാണ്. രജിസ്റ്ററുകൾ താലൂക്ക് പഞ്ചായത്താഫീസുകളിലേക്ക് മാറ്റുമ്പോൾ ബയന്റ് ചെയ്ത ഫാറങ്ങൾ കൂടി താലൂക്ക് പഞ്ചായത്താഫീസിലേക്ക് മാറ്റേണ്ടതാണ്.

1970-ൽ ജനന മരണ രജിസ്ട്രേഷൻ നടപ്പിലാക്കിയതു മുതൽ നാളിതുവരെയുള്ള ടി ഫാറങ്ങൾ ഓരോ വർഷത്തെയും പ്രത്യേകമായി ബയന്റ് ചെയ്ത് ഈ സർക്കുലർ കിട്ടി മൂന്ന് മാസത്തിനകം വിവരം ചീഫ് രജിസ്ട്രാറെ അറിയിക്കേണ്ടതാണ്. ഈ കാര്യത്തിൽ പഞ്ചായത്തുകളെ സംബന്ധിച്ച് താലൂക്ക് പഞ്ചായത്താഫീസർമാരും, കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റി എന്നിവിടങ്ങളിൽ കമ്മീഷണർമാരും, ടൗൺഷിപ്പ്, കന്റോൺമെന്റ് എന്നിവിടങ്ങളിൽ എക്സിക്യൂട്ടീവ് ആഫീസർമാരും പ്രത്യേകം ശ്രദ്ധ പതിപ്പിക്കണമെന്നും നിർദ്ദേശിക്കുന്നു.

10. സെക്ഷൻ 13 (2), 13 (3) അനുസരിച്ച് ജില്ലാ രജിസ്ട്രാർമാരും, റവന്യൂ ഡിവിഷണൽ ഓഫീസർമാരും (ജില്ലാ പഞ്ചായത്താഫീസർമാർ, മുനിസിപ്പൽ കമ്മീഷണർമാർ, എക്സിക്യൂട്ടീവ് ഒന്നാം ക്ലാസ് മജിസ്ട്രേട്ടുമാർ) നൽകുന്ന അനുവാദങ്ങൾ വിശദമായ അന്വേഷണം നടത്തിയ ശേഷം ഉത്തരവ് രൂപത്തിലുള്ള അനുവാദം നൽകണമെന്നും അപ്രകാരം നൽകുന്ന ഉത്തരവുകളുടെ പകർപ്പുകൾ ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കണമെന്നും നിർദ്ദേശിക്കുന്നു. ഇപ്രകാരം ഓരോ രജിസ്ട്രേഷൻ യൂണിറ്റിലും ലഭിക്കുന്ന ഉത്തരവുകൾ ക്രമമായി അടുക്കി പ്രത്യേകം സൂക്ഷിക്കേണ്ടതാണ്.

11. പത്താം ഖണ്ഡികയിൽ പറയുന്ന അനുവാദപ്രകാരം രജിസ്റ്റർ ചെയ്യുന്ന അവസരത്തിൽ ഡി എന്ന് ചുവന്ന മഷിയിൽ ക്രമനമ്പറിനടുത്ത് രേഖപ്പെടുത്തണം. കൂടാതെ രജിസ്ട്രേഷൻ വർഷത്തിനു മുമ്പുള്ള വർഷങ്ങളിലെ ജനനമോ മരണമോ തന്നാണ്ട് രജിസ്റ്ററിൽ രേഖപ്പെടുത്തുന്നതോടൊപ്പം, ബന്ധപ്പെട്ട വർഷങ്ങളിലെ ജനനമരണ രജിസ്റ്ററുകളുടെ അവസാനഭാഗത്തുകൂടി രജിസ്ട്രേഷൻ വർഷത്തെ ക്രമനമ്പർ കാണിച്ച് വിവരങ്ങൾ പകർത്തിയെഴുതേണ്ടതാണ്. ഇപ്രകാരം ചെയ്യുന്നതായാൽ പിൽക്കാലങ്ങളിൽ തെരച്ചിൽ നടത്തുന്നതിനു സഹായകമായിരിക്കും.

12. രജിസ്ട്രാർമാരും, സബ് രജിസ്ട്രാർമാരും ബന്ധപ്പെട്ട കോളത്തിൽ നിശ്ചയമായും ഒപ്പിട്ടിരിക്കണം. രജിസ്ട്രാർ ഒപ്പിട്ടെങ്കിൽ മാത്രമേ രജിസ്ട്രേഷൻ നിയമപരമായി പൂർണ്ണമാവുകയുള്ളൂ. ആകയാൽ ഈ സർക്കുലർ കിട്ടിക്കഴിഞ്ഞ് ഉടൻ തന്നെ ഒപ്പിടാതിരിക്കുന്ന രജിസ്റ്ററുകളിൽ രജിസ്ട്രാർമാർ ഒപ്പിടണമെന്ന് നിർദ്ദേശിക്കുന്നു. ബന്ധപ്പെട്ട രജിസ്ട്രാർമാർ സ്ഥലം മാറിപ്പോയെങ്കിൽ ഇപ്പോഴത്തെ രജിസ്ട്രാർ തീയതി വച്ച് ഒപ്പിട്ട് രജിസ്ട്രേഷൻ നിയമപരമായി പൂർത്തിയാക്കണമെന്ന് നിർദ്ദേശിക്കുന്നു.

പട്ടിക-2

1/4/70നു ശേഷമുള്ള രജിസ്ട്രേഷനെ സംബന്ധിച്ച്

*[1. ജനന രജിസ്റ്ററിൽ മാതാവിന്റെയോ പിതാവിന്റെയോ രേഖാമൂലമുള്ള അപേക്ഷ പ്രകാരം കുട്ടിയുടെ പേര് ചേർക്കാവുന്നതാണ്. പേര് ചേർക്കുമ്പോൾ ഇനീഷ്യലോ ഇരട്ടപ്പേരോ ഉണ്ടെങ്കിൽ ആയതു കൂടി നിർബന്ധമായും എഴുതണം. രജിസ്ട്രേഷൻ യൂണിറ്റിന് പുറത്ത് താമസിക്കുന്ന മാതാപിതാക്കളുടെ അപേക്ഷപ്രകാരം ജനനതീയതി മുതൽ 5 വർഷം വരെയുള്ള കേസുകളിൽ ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് ഇല്ലാതെ പേര് ചേർക്കാവുന്നതാണ്. 5 വർഷം കഴിഞ്ഞാൽ സൂചനയിലെ സർക്കുലറിൽ നിർദ്ദേശിച്ചിട്ടുള്ള പ്രകാരം തന്നെ പേര് ചേർക്കാവുന്നതാണ്.

എന്നാൽ കേരളത്തിന് പുറത്തുതാമസിക്കുന്നവരുടെ കാര്യത്തിൽ അവർ താമസിക്കുന്ന സ്ഥലത്തെ രജിസ്ട്രാറുടെ അന്വേഷണ റിപ്പോർട്ടിനു പകരം പേരിനേയും ജനനക്രമത്തെയും സംബന്ധിച്ച് സ്ഥലത്തെ നോട്ടറി പബ്ലിക് സാക്ഷ്യപ്പെടുത്തിയ ആഫിഡവിറ്റ് മതിയാകുന്നതാണ്.]

വിദ്യാഭ്യാസത്തിനു സ്കൂളിൽ ചേർന്നതിനുശേഷമാണ് പേര് ചേർക്കുന്നതിനു അപേക്ഷിക്കുന്നതെങ്കിൽ സ്കൂൾ റിക്കാർഡിന്റെ പകർപ്പ് കൂടി വാങ്ങിയിരിക്കേണ്ടതാണ്. യഥാർത്ഥ ജനനതീയതിയും സ്കൂളിൽ നൽകുന്ന ജനനതീയതിയും തമ്മിൽ ചെറിയ വ്യത്യാസം ഉണ്ടാകാൻ സാദ്ധ്യതയുണ്ട്. എന്നതിനാൽ സ്കൂൾ

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* Substituted by Circular No. B3-42532/91 dt. 30-9-1992.

റിക്കാർഡിലെ ജനനതീയതിയും ജനനരജിസ്റ്ററിലെ ജനനതീയതിയും തമ്മിൽ ആറ് മാസത്തിൽ കൂടുതൽ വ്യത്യാസമുണ്ടെങ്കിൽ പേര് ചേർക്കുന്നതിനു ചീഫ് രജിസ്ട്രാറുടെ അനുവാദം വാങ്ങിയിരിക്കണം.

ഇപ്രകാരമുള്ള അപേക്ഷകൾ ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കുമ്പോൾ അപേക്ഷകൻ താമസിക്കുന്ന ബന്ധപ്പെട്ട രജിസ്ട്രാറിൽ നിന്നും ജനനക്രമം കാണിക്കുന്ന സർട്ടിഫിക്കറ്റും ഐഡന്റിഫിക്കേഷൻ കാണിക്കുന്ന സർട്ടിഫിക്കറ്റും, രജിസ്ട്രാറുടെ വിശദമായ അന്വേഷണ റിപ്പോർട്ടും വ്യക്തമായ ശുപാർശയോടും കൂടി അയയ്ക്കേണ്ടതാണ്.

2. ജനന രജിസ്റ്ററിൽ ഒരിക്കൽ പേരു ചേർത്തുകഴിഞ്ഞാൽ ആയത് തിരുത്താവുന്നതല്ല. എന്നാൽ പ്രസവത്തിനു ശേഷം ഉടനെ ഒരു 'ഓമനപ്പേരിടുകയും' കുട്ടിയുടെ വിദ്യാഭ്യാസത്തിനു വിദ്യാലയത്തിൽ ചേർക്കുന്നതിനു മുമ്പായി (അഞ്ചു വയസ് പൂർത്തിയാകുന്നതിനുമുമ്പ്) ശരിയായ പേര് ചേർക്കണമെന്ന് മാതാപിതാക്കൾ ആവശ്യപ്പെടുകയാണെങ്കിൽ ആയത് അന്വേഷണം നടത്തി ബോദ്ധ്യപ്പെട്ട് അനുവദിക്കാവുന്നതാണ്. കൂടാതെ എഴുതിയിരിക്കുന്ന പേരിൽ അക്ഷരപ്പിശകുണ്ടെങ്കിൽ തിരുത്താവുന്നതാണ്. മറ്റുള്ളയാതൊരു കേസ്സിലും പേരു തിരുത്തുകയോ മാറ്റുകയോ ചെയ്യാൻ പാടില്ല. ഗസറ്റ് പരസ്യം വഴി പേര് മാറ്റിയാൽ അതനുസരിച്ച് ജനന രജിസ്റ്ററിൽ തിരുത്തൽ വരുത്തുവാൻ പാടുള്ളതല്ല. ജനന സർട്ടിഫിക്കറ്റും ഗസറ്റ് പരസ്യവുംകൊണ്ട് നിയമപരമായ ആവശ്യം നിറവേറ്റപ്പെടുന്നതാണ്. എംബസിയുടെ ആവശ്യത്തിന് ജനനസർട്ടിഫിക്കറ്റും, ഗസറ്റ് പരസ്യവും നോട്ടറി പബ്ലിക്കിന്റെ മുമ്പാകെ നൽകുന്ന സത്യവാങ് മൂലവും മതിയാവുന്നതാണ്.

3. രജിസ്ട്രേഷൻ തീയതി മുതൽ 5 വർഷം കഴിഞ്ഞ് ലഭിക്കുന്ന അപേക്ഷകളനുസരിച്ച് മാതാപിതാക്കളുടെ പേര്, മേൽവിലാസം എന്നിവയിലുള്ള തിരുത്തലുകൾ ചീഫ് രജിസ്ട്രാറുടെ അനുവാദത്തോടുകൂടി മാത്രമേ ചെയ്യുവാൻ പാടുള്ളൂ. ഇപ്രകാരമുള്ള അപേക്ഷ ചീഫ് രജിസ്ട്രാർക്ക് സമർപ്പിക്കുമ്പോൾ 1-ാം ഖണ്ഡികയിൽ വിവരിക്കുന്ന അന്വേഷണം നടത്തി രജിസ്ട്രാർക്ക് ഉത്തമബോദ്ധ്യമുള്ള പക്ഷം വ്യക്തമായ ശുപാർശയോടുകൂടി അയയ്ക്കേണ്ടതാണ്.

4. 1/4/70 നു ശേഷമുള്ള രജിസ്ട്രേഷനിൽ ഒരു പേരും ചേർത്തിട്ടില്ലാത്ത പക്ഷം പേര് ചേർക്കുന്നതിനു ചീഫ് രജിസ്ട്രാറുടെ പ്രത്യേക അനുമതി വാങ്ങേണ്ടതില്ല. ആയതിന് യൂണിറ്റിനകത്തുള്ള കാര്യങ്ങളെപ്പറ്റി തന്റെ കീഴ്ജീവനക്കാരനെക്കൊണ്ട് അന്വേഷണം നടത്തി രേഖാമൂലം റിപ്പോർട്ട് വാങ്ങിയും യൂണിറ്റിനു പുറത്തുള്ള കാര്യങ്ങളെപ്പറ്റി ബന്ധപ്പെട്ട രജിസ്ട്രാർമാർ മുഖേന അന്വേഷണം നടത്തി റിപ്പോർട്ട് വാങ്ങിയും സ്വയം ബോദ്ധ്യപ്പെട്ടും മാത്രമേ പേര് ചേർക്കുവാൻ പാടുള്ളൂ.

5. ആശുപത്രിയിൽ വച്ചു നടക്കുന്ന ജനനമരണങ്ങളെ സംബന്ധിച്ച് തിരുത്തൽ വരുത്തുന്നതിനു ആശുപത്രി അധികൃതരുടെ സർട്ടിഫിക്കറ്റുകൂടി വാങ്ങിയിരിക്കണം.

6. ജനന രജിസ്റ്ററിലെ ജനനതീയതി തിരുത്തുവാൻ പാടുള്ളതല്ല.

7. ജനനമരണ രജിസ്റ്ററുകളിൽ തിരുത്തലുകൾ വരുത്തുമ്പോൾ, സെക്ഷൻ 15 ൽ വ്യവസ്ഥ ചെയ്തിരിക്കും പ്രകാരം ഒറിജിനൽ എൻട്രി തിരുത്തുകയോ, റദ്ദാക്കുകയോ ചെയ്യാതെ യുക്തമായ രീതിയിൽ മാർജിനിൽ എഴുതി രജിസ്ട്രാർ ഒപ്പും തീയതിയും രേഖപ്പെടുത്തേണ്ടതാണ്. ഇപ്രകാരം തിരുത്തിക്കഴിഞ്ഞ സർട്ടിഫിക്കറ്റുകൾ നൽകുമ്പോൾ അതിൽ ഒറിജിനൽ എൻട്രിയും തിരുത്തൽ വരുത്തിയ എൻട്രിയും കാണിച്ചിരിക്കണം. കൂടാതെ ജനനമരണ രജിസ്റ്ററുകളിൽ വരുത്തുന്ന തിരുത്തലുകൾ 12-ാം ചട്ടം അനുസരിച്ച് പകർപ്പുകൾ തയ്യാറാക്കി ബന്ധപ്പെട്ട താലൂക്ക് പഞ്ചായത്താഫീസർക്ക് അയക്കേണ്ടതുമാണ്. താലൂക്ക് പഞ്ചായത്താഫീസർമാർ ഈ കാര്യം പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതും തിരുത്തലുകൾ നിയമാനുസരണമാണോ എന്നു പരിശോധനാ സമയത്തു നോക്കേണ്ടതുമാണ്. തിരുത്തലുകൾ നിയമവിധേയമല്ലാതെ നടത്തിയതായി ശ്രദ്ധയിൽപ്പെടുന്ന പക്ഷം താലൂക്ക് പഞ്ചായത്താഫീസർമാർ ആയത് ഉടനടി ചീഫ് രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരേണ്ടതുമാണ്. കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റികൾ, ടൗൺഷിപ്പ്, കന്റോൺമെന്റ് എന്നിവിടങ്ങളിലെ രജിസ്ട്രാർമാർ ടി തിരുത്തലുകളുടെ പകർപ്പ് നേരിട്ട് ചീഫ് രജിസ്ട്രാർമാർക്ക് ആണ് സമർപ്പിക്കേണ്ടത്.

പട്ടിക - 3

ആനുകാലികങ്ങൾ

ജനനമരണ രജിസ്ട്രേഷൻ നിയമം വിജയകരമായി നടപ്പിലാക്കുന്നതിന് താഴെപ്പറയുന്ന ആനുകാലികങ്ങൾ ബന്ധപ്പെട്ട അധികാരികൾക്ക് അയയ്ക്കണമെന്ന് ചട്ടത്തിൽ വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്.

ജനനമരണ രജിസ്ട്രേഷൻ കാർഡുകൾ, വാർഷിക റിപ്പോർട്ട് ഇവ കൂടാതെ പ്രതിമാസം അഡ്വാൻസ് സമ്മറി ഫിഗേഴ്സ്, കാർഡുകൾ അയച്ചു എന്നതിനുള്ള സർട്ടിഫിക്കറ്റുകൾ എന്നിവയും ബന്ധപ്പെട്ടവർക്ക് അയയ്ക്കേണ്ടതായിട്ടുണ്ട്.

ആകയാൽ താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾക്ക് വിധേയമായി ആനുകാലികങ്ങൾ അയക്കണമെന്ന് രജിസ്ട്രാർമാരേയും ജില്ലാ രജിസ്ട്രാർമാരേയും ഓർമ്മിപ്പിക്കുന്നു.

1. വെള്ളനിറത്തിലുള്ള കാർഡുകൾ ജനനത്തിനും, മഞ്ഞനിറത്തിലുള്ള കാർഡുകൾ മരണത്തിനും, പിങ്ക് നിറത്തിലുള്ള കാർഡുകൾ നിർജ്ജീവ ജനനത്തിനും ഉപയോഗിക്കണം. നിറം മാറ്റി ഉപയോഗിച്ചാൽ സ്ഥിതിവിവരക്കണക്ക് തിട്ടപ്പെടുത്തുന്നതിനു പ്രയാസം നേരിടുന്നതാണ്.

കാർഡുകൾ ഗ്രാമലക്ഷ്മി മുദ്രാലയം, കാഞ്ചിക്കോട് വെസ്റ്റ് പി.ഒ., പാലക്കാട് 23 എന്ന പഞ്ചായത്ത് ഡിപ്പാർട്ടുമെന്റ് വക പ്രസ്സിൽ നിന്നും വിലയ്ക്കു ലഭിക്കുന്നതാണ്.

2. കാർഡിലെ എല്ലാ കോളങ്ങളും ജനന മരണ രജിസ്റ്ററുകളിലെ വിവരങ്ങൾ ഉൾപ്പെടുത്തി തെറ്റുകൂടാതെ പൂരിപ്പിക്കണം. ഒരു കോളവും പൂരിപ്പിക്കാതിരിക്കുവാൻ പാടില്ല. പൂരിപ്പിച്ച കാർഡുകൾ എല്ലാ മാസവും 5-ാം തീയതി (മുൻ മാസത്തെ രജിസ്ട്രേഷൻ വിവരങ്ങൾ ഉൾക്കൊള്ളിച്ച്) അഡീഷണൽ ഡയറക്ടർ, ബ്യൂറോ ഓഫ് എക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സ്, വികാസ് ഭവൻ, തിരുവനന്തപുരം എന്ന മേൽവിലാസത്തിൽ അയയ്ക്കണം.

3. രണ്ടാം ഖണ്ഡികയിൽ പറയുന്ന വിധം കാർഡുകൾ അയച്ചു എന്നതിനു ഒരു നിശ്ചിത ഫാറത്തിലുള്ള സർട്ടിഫിക്കറ്റ് കാർഡ് അയക്കുന്ന അന്നുതന്നെ പഞ്ചായത്തുകളിൽ നിന്നും താലൂക്ക് പഞ്ചായത്ത് ആഫീസർക്ക് നൽകേണ്ടതും താലൂക്ക് പഞ്ചായത്താഫീസർമാർ ഓരോ മാസവും ഇപ്രകാരം സർട്ടിഫിക്കറ്റ് ലഭിച്ചതിനെപ്പറ്റി ഒരവലോകനറിപ്പോർട്ട് തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർക്ക് അയക്കേണ്ടതാണ്. (ഈ ആഫീസിലെ സർക്കുലർ നമ്പർ 5/3/89 ലെ ബി1 7355/89 നോക്കുക).

കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റികൾ, ടൗൺഷിപ്പ്, കന്റോൺമെന്റ് എന്നിവിടങ്ങളിലെ രജിസ്ട്രാർമാർ ടി സർട്ടിഫിക്കറ്റ് നേരിട്ട് ചീഫ് രജിസ്ട്രാർക്ക് നൽകേണ്ടതാണ്.

4. പഞ്ചായത്തുകളിൽ നിന്നും അഡ്വാൻസ് സമ്മറി ഫിഗർ നിശ്ചിത ഫാറത്തിലെഴുതി ഓരോ മാസവും 5-ാം തീയതി ജില്ലാ പഞ്ചായത്താഫീസർമാർക്ക് അയയ്ക്കേണ്ടതും ജില്ലാ പഞ്ചായത്താഫീസർമാർ സമഗ്രമായ റിപ്പോർട്ട് 10-ാം തീയതിതോറും അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതും വിവരം ചീഫ് രജിസ്ട്രാറെ അറിയിക്കേണ്ടതുമാണ്.

കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റികൾ, ടൗൺഷിപ്പ്, കന്റോൺമെന്റ് എന്നിവിടങ്ങളിൽ നിന്നും ടി ആനുകാലികം 10-ാം തീയതിതോറും നേരിട്ട് അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതും വിവരം ചീഫ് രജിസ്ട്രാറെ അറിയിക്കേണ്ടതുമാണ്.

വാർഷിക റിപ്പോർട്ട് നിശ്ചിത പ്രൊഫോർമയിൽ തയ്യാറാക്കി അടുത്ത വർഷം ജനുവരി 15-ാം തീയതിക്കകം പഞ്ചായത്തുകളിൽ നിന്നും ജില്ലാ പഞ്ചായത്താഫീസർമാർക്ക് സമർപ്പിക്കേണ്ടതും ആയത് സമഗ്രരൂപത്തിലാക്കി ജില്ലാ പഞ്ചായത്താഫീസർമാർ ജനുവരി 31-ാം തീയതിക്കകം ചീഫ് രജിസ്ട്രാർക്കു അയയ്ക്കേണ്ടതുമാണ്.

കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റികൾ, ടൗൺഷിപ്പ്, കന്റോൺമെന്റ് എന്നിവിടങ്ങളിൽ നിന്നും രജിസ്ട്രാർമാർ വാർഷിക റിപ്പോർട്ടുകൾ തയ്യാറാക്കി ജനുവരി 31നകം ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതാണ്.

പട്ടിക - 4

1. ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയിലെ ഒ.പി. 7911/82-ാം നമ്പർ കേസിൽ 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ടിനു മുൻകാല പ്രാബല്യമില്ലെന്നും ആകയാൽ സെക്ഷൻ 13(3) അനുസരിച്ച് 1/4/70 നു മുമ്പുള്ള ജനനമരണങ്ങൾ രജിസ്റ്റർ ചെയ്യാൻ അനുവാദം കൊടുക്കാവുന്നതല്ലെന്നും വിധിയുണ്ടായിട്ടുണ്ട്. ഈ സാഹചര്യത്തിൽ 1/4/70 നു മുമ്പുള്ള ജനനമോ മരണമോ ഇപ്പോൾ രജിസ്റ്റർ ചെയ്യുവാൻ പാടില്ല എന്ന് എല്ലാ രജിസ്ട്രാർമാരേയും വീണ്ടും ഓർമ്മിപ്പിക്കുന്നു. ഈ കാര്യം ഇൻഡ്യാ ഗവൺമെന്റിന്റെ പരിഗണനയ്ക്കു സമർപ്പിച്ചിരിക്കുകയാണ്. നിർദ്ദേശം ലഭിക്കുന്ന മുറയ്ക്കു മേലിൽ എന്ത് ചെയ്യണമെന്ന വിവരം എല്ലാ രജിസ്ട്രാർമാരേയും അറിയിക്കുന്നതാണ്.

വ്യക്തമായ നിർദ്ദേശം ലഭിക്കുന്നതുവരെ 1/4/70 നു മുമ്പുള്ള രജിസ്ട്രേഷനുകളിൽ പേരുചേർക്കുന്നതിനോ, തിരുത്തൽ വരുത്തുന്നതിനോ, 30/12/87 ലെ ബി1 54543/87-ാം നമ്പർ സർക്കുലറിലെ നിർദ്ദേശപ്രകാരം ചീഫ് രജിസ്ട്രാറുടെ അനുവാദം വാങ്ങിയിരിക്കേണ്ടതാണ്. ടി. സർക്കുലറിൽ പറഞ്ഞിരിക്കുന്ന അന്വേഷണ രീതിക്കു പകരം ഈ സർക്കുലർ പട്ടിക 2-ൽ പറഞ്ഞിരിക്കുന്ന അന്വേഷണ രീതി അവലംബിച്ചാൽ മതിയാകും.

2. ജനനമരണ രജിസ്ട്രേഷൻ ചട്ടം (ഭേദഗതി) 9(2) 10(4) നു വിധേയമായുള്ള ഫാറം 17,18 അനുസരിച്ച് സൂക്ഷിക്കേണ്ട രജിസ്റ്ററുകൾ കൃത്യമായി എഴുതി സൂക്ഷിക്കണമെന്ന് എല്ലാ രജിസ്ട്രാർമാർക്കും നിർദ്ദേശം നൽകുന്നു. രജിസ്റ്ററുകൾ ഗ്രാമലക്ഷ്മി മുദ്രാലയത്തിൽ നിന്നും ലഭിക്കുന്നതാണ്. സെക്ഷൻ 12 അനുസരിച്ച് സൗജന്യമായി നൽകേണ്ട സർട്ടിഫിക്കറ്റ് കൃത്യമായും എല്ലാവർക്കും നൽകിയിരിക്കണം.

3. സിനിമാശാലകൾ ഉള്ള രജിസ്ട്രേഷൻ യൂണിറ്റുകൾ താഴെപ്പറയുന്ന ജെസ്സൽഡ് എഴുതി പ്രദർശിപ്പിക്കുന്നതിനു നടപടി സ്വീകരിക്കണം.

"ജനനം 14 ദിവസത്തിനകവും മരണം 7 ദിവസത്തിനകവും രജിസ്റ്റർ ചെയ്യുക.
വീഴ്ച വരുത്തുന്നത് ശിക്ഷാർഹമാണ്."

4. ജനനമരണ രജിസ്ട്രേഷന്റെ പരസ്യബോർഡുകൾ രജിസ്ട്രേഷൻ യൂണിറ്റിലുള്ള എല്ലാ റേഷൻ കടകളിലും സഹകരണ സംഘങ്ങളിലും സ്ഥാപിക്കേണ്ടതാണ്.

മാതൃക താഴെ കൊടുക്കുന്നു.

പരസ്യം

"ജനനം 14 ദിവസത്തിനകവും മരണം 7 ദിവസത്തിനകവും
രജിസ്റ്റർ ചെയ്യുക. വീഴ്ച വരുത്തുന്നത് ശിക്ഷാർഹമാണ്."

പ്രത്യേകം ശ്രദ്ധിക്കൂ - ജനനമരണ സർട്ടിഫിക്കറ്റുകൾ

താഴെപ്പറയുന്ന കാര്യങ്ങൾക്ക് ആവശ്യമാണ്.

വോട്ടർ പട്ടിക, ജോലി, സ്കൂൾ പ്രവേശനം, ഡ്രൈവിംഗ് ലൈസൻസ്, ഇൻഷുറൻസ് പോളിസി, പാസ്പോർട്ട്, വിധവാ പെൻഷൻ, കർഷകതൊഴിലാളി പെൻഷൻ, വാർദ്ധക്യകാലപെൻഷൻ, കയർ തൊഴിലാളി പെൻഷൻ തുടങ്ങിയ കാര്യങ്ങൾക്ക് ജനന സർട്ടിഫിക്കറ്റും, ഇൻഷ്വറൻസ് തുക, സ്വത്തവകാശം, അപകടമരണാനുകൂല്യം തുടങ്ങിയവയ്ക്ക് മരണ സർട്ടിഫിക്കറ്റും ആവശ്യമാണ്.

5. ഈ സർക്കുലറിൽ പ്രതിപാദിക്കാത്ത കാര്യങ്ങളെക്കുറിച്ച് ഉണ്ടായേക്കാവുന്ന സംശയങ്ങൾ ചീഫ് രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽപ്പെടുത്തി നിർദ്ദേശങ്ങൾ വാങ്ങിയിരിക്കേണ്ടതാണ്.

6. 17-ാം വകുപ്പനുസരിച്ച് മുദ്രപത്രത്തിൽ സർട്ടിഫിക്കറ്റ് നൽകുന്നതിനു സർട്ടിഫിക്കറ്റിന്റെ മാതൃക (ഫോറം നമ്പർ 9, 10) യിൽ ഓരോ റബ്ബർ സ്റ്റാമ്പ് ഉണ്ടാക്കി ഉപയോഗിക്കേണ്ടതാണ്.

7. ഈ സർക്കുലറിൽ പറഞ്ഞിരിക്കുന്ന വിവിധ അന്വേഷണ റിപ്പോർട്ടുകൾ രജിസ്ട്രാർമാർ ആവശ്യപ്പെടുമ്പോൾ മറ്റ് രജിസ്ട്രാർമാർ നൽകുന്നതിനു ഇതിനാൽ നിർദ്ദേശിക്കുന്നു.

മേൽ കൊടുത്തിരിക്കുന്ന നിർദ്ദേശങ്ങൾ ഉടനടി പ്രാബല്യത്തിൽ വരുത്തി ജനനമരണ രജിസ്ട്രേഷൻ സമ്പ്രദായം കൂടുതൽ വിജയപ്രദമാക്കുന്നതിനു എല്ലാ രജിസ്ട്രാർമാരുടേയും സഹകരണമുണ്ടാകണമെന്ന് നിർദ്ദേശിക്കുന്നു. [നമ്പർ ബി1. 53872/89, തിരുവനന്തപുരം, തീയതി: 12-6-1990]

ജനനമരണ രജിസ്ട്രേഷൻ - ജോലികൾ നിർവഹിക്കുന്നതിനും സബ് രജിസ്ട്രാർമാരെ നിയമിക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: പഞ്ചായത്തുകൾ, മുനിസിപ്പാലിറ്റികൾ, കോർപ്പറേഷനുകൾ എന്നീ സ്ഥാപനങ്ങളിൽ ജനനമരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് ജോലികൾ നിർവഹിക്കുന്നതിനും സബ് രജിസ്ട്രാർമാരെ നിയമിക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: ഈ ആഫീസിലെ 1.9.1977-ലെ 44300/77-ാം നമ്പർ സർക്കുലർ

ജനന-മരണ രജിസ്ട്രേഷൻ ജോലികൾ സംബന്ധിച്ച് പഞ്ചായത്തുകളിൽ എക്സിക്യൂട്ടീവ് ആഫീസർമാരാണ് രജിസ്ട്രാറായി പ്രവർത്തിക്കുന്നത്. രജിസ്ട്രാർക്കു സഹായം ലഭിക്കുന്നതിനുവേണ്ടി ഒരു സബ് രജിസ്ട്രാർകൂടി വേണമെന്ന തീരുമാനത്തിൽ ഓരോ പഞ്ചായത്തിലും അന്ന് നിലവിലുണ്ടായിരുന്ന തസ്തികകൾ പ്രകാരം മാനേജർ, ഹെഡ്ക്ലാർക്ക്, എന്നിവരിൽ ഒരാളെ സബ് രജിസ്ട്രാറായി നിയമിക്കുന്നതിനുള്ള അധികാരം സൂചന സർക്കുലർ വഴി രജിസ്ട്രാർമാർക്ക് നൽകിയിരുന്നു. പഞ്ചായത്തുകൾ ഒഴിച്ചുള്ള രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഈ രീതിയിലുള്ള ഒരു ഉത്തരവ് നല്കിയിരുന്നില്ല. പ്രത്യുത ഓരോ യൂണിറ്റിന്റെയും ആവശ്യം പരിഗണിച്ച് ചീഫ് രജിസ്ട്രാർ പ്രത്യേകം പ്രത്യേകം ഉത്തരവുകൾ നൽകിക്കൊണ്ടിരിക്കുകയായിരുന്നു. ഇപ്പോൾ പഞ്ചായത്തുകളിൽ തന്നെ തസ്തിക പുനർനാമകരണം ചെയ്യുകയും, രജിസ്ട്രേഷൻ ജോലി മുൻകാലത്തെ അപേക്ഷിച്ച് വർദ്ധിക്കുകയും ചെയ്തിരിക്കുന്നു. അതുപോലെ തന്നെ കോർപ്പറേഷൻ, മുനിസിപ്പാലിറ്റി, ടൗൺഷിപ്പ് കന്റോൺമെന്റ് എന്നീ യൂണിറ്റുകളേയും ബാധിക്കുന്ന തരത്തിൽ ഒരു പൊതു ഉത്തരവ് വേണമെന്ന അഭിപ്രായം ഉയർന്നുവരികയും ചെയ്തിട്ടുണ്ട്. വർദ്ധിച്ചുവരുന്ന ജോലിഭാരം കൃത്യമായി ഏറ്റെടുക്കുന്നതിനു ആവശ്യമായ ഉദ്യോഗസ്ഥൻമാർ ഉണ്ടായേ മതിയാകൂ.

മേൽവിവരിച്ച വസ്തുതകൾ വിശദമായി പരിശോധിക്കുകയും സിവിൽ രജിസ്ട്രേഷൻ ജോലികൾ കൃത്യതയോടെ അതാതു യൂണിറ്റുകളിൽ നടക്കുന്നതിനു സബ് രജിസ്ട്രാർമാരെ നിയമിക്കുന്നതിനു രജിസ്ട്രാർമാർമാരെ അധികാരപ്പെടുത്തിക്കൊണ്ട് ഒരു പൊതു ഉത്തരവ് അനിവാര്യമാണ് എന്ന് കാണുകയും ചെയ്തു. ഈ സാഹചര്യത്തിൽ താഴെപ്പറയുന്ന പൊതു ഉത്തരവ് ഇതിനാൽ നൽകുന്നു.

1. പഞ്ചായത്തുകളിലും കണ്ണൂർ കന്റോൺമെന്റിലും ജൂനിയർ സൂപ്രണ്ടും, ഹെഡ്ക്ലാർക്ക്, യു.ഡി. ക്ലാർക്ക് എന്നിവരിൽ ആരേയെങ്കിലും ഒരാളെ സബ് രജിസ്ട്രാർ ആയി നിയമിക്കുന്നതിനു രജിസ്ട്രാർമാരെ അധികാരപ്പെടുത്തുന്നു.

2. ടൗൺഷിപ്പ്, മുനിസിപ്പാലിറ്റി എന്നീ യൂണിറ്റുകളിൽ ജൂനിയർ ഹെൽത്ത് ഇൻസ്പെക്ടർമാരെ സബ് രജിസ്ട്രാർമാരായി നിയമിക്കുന്നതിനു രജിസ്ട്രാർക്കു അധികാരം നൽകുന്നു.

3. മുൻസിപ്പൽ - കോർപ്പറേഷനുകളിൽ ഹെൽത്ത് ഇൻസ്പെക്ടർമാരെ സബ് രജിസ്ട്രാർമാരായി നിയമിക്കുന്നതിനു രജിസ്ട്രാറെ അധികാരപ്പെടുത്തുന്നു.

ഇങ്ങനെ നിയമിക്കപ്പെടുന്ന സബ് രജിസ്ട്രാർമാർക്ക് സാധാരണ രജിസ്ട്രേഷൻ ജോലിക്കു പുറമേ സെക്ഷൻ 12 അനുസരിച്ചുള്ള ചുമതലകൾകൂടി മാത്രമേ നൽകുവാൻ പാടുള്ളൂ. നിയമന ഉത്തരവുകളുടെ പകർപ്പ് ജില്ല രജിസ്ട്രാർക്കും ചീഫ് രജിസ്ട്രാർക്കും നിർബന്ധമായും അയച്ചിരിക്കേണ്ടതാണ്. ഉത്തരവ് [നമ്പർ ബി1 20217/90/കെ/ഡിസ്, തീയതി 12.6.90]

CHANGE OF SEX - CORRECTION IN THE ENTRY THEREOF

To

The Chief Registrar of Births and Deaths and
Director of Health Services & Family Welfare, Himachal Pradesh,

Sub:- Change of sex - correction in the entry thereof.

Sir,

I am to invite a reference to your letter No. 19/25/77 - Med-II-Vol. VIII-1412 dated 01.03.1990 on the above subject and to say that as per the provisions of the RBD Act, 1969, the particulars of vital events registered have to be confined only to the details relating to the event at the relevant time of birth or death. Any subsequent change in the details cannot find a place in the register of births/deaths unless it is provided for in the Act. In the instant case, reported change of sex of Miss Neera Devi from female to male consequent upon a surgical operation is a subsequent change after the event had been registered. Therefore, this change cannot be recorded in the registration records. In this connection, your kind attention is invited to Section 15 of the RBD Act, 1969 which provides for correction and cancellation of entry in the register of births and deaths where such entry is found to be erroneous in form or substance or has been fraudulently or improperly made. The aforesaid section, therefore, cannot be invoked for correcting subsequent change in sex as there was no error or any element of fraudulent entry at the time of registration of birth.

Deputy Director of Census Operations

Copy forwarded to all Chief Registrars of Births and Deaths for information and necessary action. This supersedes the clarification to query No. 79 of pages 45-46 of the Hand-book on Civil Registration (2nd Edition) issued by this office.

Deputy Director of Census Operations

CORRECTION OF DATE OF BIRTH - CLARIFICATION - REGARDING

Copy of letter No. 1/14/87-Vs (Cord) dated 28-6-1991 of the Deputy Director of Census Operations, Office of the Registrar General, India, V.S. Division, West Block - 1 R.K. Puram, New Delhi-66, addressed to the Chief Registrar of Births & Deaths and Director of Panchayats, Kerala, Trivandrum -695001

Sub:- Correction of date of birth - Clarification - reg.

Please refer to your letter No. B1-18225/90/dated 10.05.1991 on the subject cited above. Section 15 of the Registration or Births and Deaths Act, 1969 states "If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in for or substance, or has been-fraudulently or improperly made, he pay, subject to such rules as may be made by the State Government with respect to the conditions on which and the Circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin without any alteration of the original entry, and shall sign the marginal entry and add thereto the data of the correction or cancellation". The concerned Registrar may, therefore, on merits of the case and personal satisfaction make the necessary correction within the meaning of aforesaid section of the Registration of Births and Deaths act, 1969.

Deputy Director of Census Operations

BIRTH AND DEATH PRIOR TO 1970

To ,

The Chief Registrar of Births & Deaths
and Director of Panchayats, Kerala,
THIRUVANANTHAPURAM - 695001

Sub:- Birth and Death prior to 1970-Recording of Nationality and Place of Birth - Clarification - regarding.

Sir,

With reference to your letter No. B1-9887/91 dated 9-9-1991 on the subject mentioned above, Iam to say that certificate of birth/death in form No. 9/10 issued under sections 12 and 17 of the RBD Act, 1969 and corresponding State Rules made thereunder is only and extract of particulars from the register of births and deaths maintained under Section 16 of the Act. Since the columns relating to particulars of Nationality and Place of Birth were not included in the original Register of Births at the time of registration of the event, the same cannot be included in the birth certificate at this stage. [No. 1/14/87/VS (Cord)]

CHANGE OF SEX IN THE BIRTH REGISTER

To

The Chief Registrar of Births & Deaths
and Director of Panchayats, Kerala,
THIRUVANANTHAPURAM - 695033.

Sub: Change of Sex in the birth register -Clarification - regarding.

Sir,

With reference to your letter No. B1-21465/91 dated 7.10.1991 on the above subject I am to say as under:—

1. If the request for change in sex is borne out of erroneous entry on clerical mistake, necessary correction may be allowed on the satisfaction of the concerned Registrar of Births & Deaths.

2. If the request for correction is borne out of subsequent change in sex due to biological reasons or surgery, the request may not be acceeded to in view of our letter No. 1.12/Vs (Cord) dated 15.10.1990 (Copy enclosed).

3. If the request for these changes is borne out of a fraudulent entry, the relevant entry may be cancelled.

4. A request for re-registration of an event cannot be accepted as there is no provision in the Registration of Births & Deaths Act, 1969 for registering an event more than once. Even otherwise, events pertaining to the births prior to the enforcement of the Act cannot be registered in view of the judgement of the Kerala High Court which prohibited the registration of such events.

രജിസ്ട്രേഷനുകളിൽ തിരുത്തലുകൾ വരുത്തുന്നതിനും പേര് ചേർക്കുന്നതിനും പ്രൊപ്പോസലുകൾ സമർപ്പിക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനനമരണ രജിസ്ട്രേഷൻ - രജിസ്ട്രേഷനുകളിൽ തിരുത്തലുകൾ വരുത്തുന്നതിനും പേര് ചേർക്കുന്നതിനും പ്രൊപ്പോസലുകൾ സമർപ്പിക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: ഈ ആഫീസിലെ 14-5-92 ലെ ബി1 20941/92/കെ. ഡിസ്. നമ്പർ സർക്കുലർ.

ജനനമരണ രജിസ്ട്രേഷനുകളിൽ തിരുത്തലുകൾ വരുത്തുന്നതിനും പേര് ചേർക്കുന്നതിനുമായി അപേക്ഷകളോടൊപ്പം ലഭിക്കുന്ന പ്രമാണങ്ങളിൽ മിക്ക പകർപ്പുകളും രജിസ്ട്രാർമാർ സാക്ഷ്യപ്പെടുത്തുന്നതായി കാണുന്നില്ല. സുപ്രധാന പ്രമാണങ്ങൾ സാക്ഷ്യപ്പെടുത്തി അയച്ചാൽ മാത്രമേ ആധികാരിക രേഖയായി പകർത്താൻ കഴിയുകയുള്ളൂ. അതിനാൽ ഇക്കാര്യം രജിസ്ട്രാർമാർ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുന്നു. കൂടാതെ, സാക്ഷ്യപ്പെടുത്താത്ത ഫോട്ടോ കോപ്പികൾക്കു യാതൊരു നിയമസാദ്ധ്യതയും ഉള്ളവയല്ലെന്നും ആയവ സ്വീകാര്യമല്ലെന്നും കൂടി അറിയിക്കുന്നു. [No. 38044/93, തിരുവനന്തപുരം, തീയതി 16-12-93]

REGISTRATION OF EVENTS OF ACCIDENTAL DEATHS -CLARIFICATION - REGARDING

Copy of letter No. 1/14/87- Vs (Cord.) dated 2.3.1993 office of the Registrar General, India, V.S. Division, West Block-1, R.K. Puram, New Delhi, addressed to the Chief Registrar of Births & Deaths & Director of Panchayats, Kerala.

Sub:- Registration of events of accidental deaths -Clarification - regarding.

Ref:-

With reference to your letter No. B3-50447/92 dated 16.12.92 on the subject mentioned above I am to say that Section 7(2) of the Registration of Births & Deaths Act, 1969 provides for registration of every birth and Death including the accidental deaths, even if such accidental deaths have not been reported to the Police and inquest has not been conducted in such cases.

CORRECTION OF THE NAME OF CHILD IN BIRTH REGISTRATION

To

The Chief Registrar of Births & Deaths
and Director of Panchayats, Kerala,
THIRUVANANTHAPURAM - 695033

Sub:- Correction of the name of child in birth registration No. 61 dated 30.12.1961 of Thiruvalla Municipality - clarification - regarding.

Sir,

With reference to your letter No. B 1-35529/92 dated 24.4.1993 on the subject mentioned above

I am to say that if the Registrar is satisfied that the earlier entry of name was erroneous in form or substance or improperly made, he may correct the name in accordance with the procedure laid down in Section 15 of the Act and corresponding State rules made thereunder. The Registrar may decide request for correction according to facts of each case on its own merits keeping in view the custom and practices in this regard. [Endt. No. B3-50447/92/ dt. 7.4.1993., No. 1/14/87-Vs (Cord.)]

REGISTRATION OF BIRTH OF CHILDREN BORN IN JAMMU & KASHMIR STATE

To

The Chief Registrar of Births & Deaths
and Director of Panchayats, Kerala,
THIRUVANANTHAPURAM - 695033

Sub:- Registration of birth of children born in Jammu & Kashmir State - clarification - regarding.

Sir,

I am to invite a reference to your letter No. B 1-18935/93 dated 4.8.1993 on the subject mentioned above and to say that the vital events occurring in 148 Base Hospital are as a matter of procedure registered with the Registrar of Births and Deaths C/o Police Station, Udhampur (J&K) under Section 7(2) of the RBD Act, 1969. It is, therefore, expected that the particular events of birth referred to in your letter under reference might have been reported for registration as institutional births. You may, therefore, advise the applicant Shri P. Kochukuttan, to approach the Registrar of Births and Deaths, Udhampur either direct or through the 148 Base Hospital for obtaining the relevant birth certificates. In view of this the footnote on the birth certificate issued by the Base Hospital becomes ineffective. The 148 Base Hospital authorities has already been advised to delete the footnote on the Birth Certificate in this regard.

CORRECTION OF NAMES IN THE BIRTHS AND DEATHS REGISTERS

To

The Chief Registrar of Births & Deaths
and Director of Panchayats, Kerala,
THIRUVANANTHAPURAM - 695033

Sub:- Correction of names in the Births and Deaths Registers - clarification - regarding.

Sir,

With reference to your letter No. B 1-10403/93 dated 22.9.93 on the subject mentioned above I am to say that examples cited at page 2, para 1 , column 1 of your letter under reference are stated to be nick names and not the real names. They also do not have all the appendages of surname/caste etc. leading to the inference that they may be nick names. If real names of parents and child are not written in the birth/ death registers, they may be corrected in accordance with the procedure laid down in Section 15 of the RBD Act, 1969 and corresponding State rules made thereunder. The Registrar may decide each request for correction according to facts of each case on its own merits.

ISSUANCE OF EXTRACT FROM REGISTER OF BIRTHS & DEATHS UNDER SECTION 17 OF THE REGISTRATION OF BIRTHS & DEATHS (RBD) ACT, 1969

Dated:- 18.10.1994

To

The Chief Registrars of Births & Deaths off All States/ Union territories.

Sub:- Issuance of extract from register of births & deaths under Section 17 of the Registration of Births & Deaths (RBD) Act, 1969 and corresponding state Rules made there under - clarification - regarding.

Sir,

The matter relating to issuance of extract from the register relating to births and deaths under Section 17 of the RBD Act, 1969 and corresponding State rules made thereunder was re-examined at appropriate level in the context of complaints from the general public to the Chief Registrars against the current practice of giving details of birth of original and corrected entries. The general public especially those seeking certificates for immigration purposes faced difficulties in Consular offices with extracts containing both original as well as corrected entries.

When a person applies for the extracts of the births and deaths records, there seems to be no legal difficulty for giving details of only corrected entries of the extracts unless he requires the original entry as well.

3. This supersedes the earlier clarification to Query No. 90 at Page No. 48 of the Handbook on Civil Registration (1989 Edition). [No.1/15/87-VS9 (Cord.)]

BIRTHS AND DEATHS OCCURRING TO INDIAN CITIZEN OUTSIDE INDIA UNDER SECTION 20(1) OF THE RBD ACT, 1969

To

The Chief Registrar of Births and Deaths and Director of Planning,

Statistics and Evaluation, Goa,

Junta Annexe, 3rd Floor, Pananji - 463001

Sub:- Registration of births and deaths occurring to Indian Citizen outside India under Section 20(1) of the RED Act, 1969.

Sir,

Kindly refer to your letter No. DPSE/RSD/INV-43/1-94 dt. 30.11.1994 on the subject mentioned above.

"Section 20(1) of the Registration of Births and Deaths (RBD) Act, 1969 provides that the Registrar General shall subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of Citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian consulates made under the citizenship Act, 1955(5 of 1955) and every such registration shall be deemed to have been duly made under this Act". Under the provisions of aforesaid Section the Registrar General has to set up a Central Registry after framing necessary rules in this regard. The relevant rules are still to be framed and Central Registry is yet to be established.

2. In the context of difficulties being faced by the public in regard to registration of births and deaths occurring to Indian citizens outside India under section 20(1) and obtaining certificate of births and deaths within country, the matter has been reconsidered and it has been decided to allow registration of such events of birth and death as provided under section 20(2) of the 1969 Act till such time as necessary rules in this regard are framed and central Registry is established for this purpose.

3. It may be clarified that Section 20(2) does not provide for the registration of death occurring to Indian Citizens outside India. [No. 30(1) (IN) 93-VS (FR), Dt. 5.7.95]

KERALA REGISTRATION OF BIRTHS & DEATHS (AMENDMENT) RULES '95 -ERRATUM IN NOTIFICATION

Copy of Govt. lr. No. 17703/C2/95/LAD. dt. 25.10.1995 from the under Secretary, Local Admn. (C) Department, Trivandrum to the supdt. Gov. Press, copy to the Director of Panchayats (with copy of the Notification).

Sub:- Kerala Registration of Births & Deaths (Amendment) Rules 95 -Erratum in Notification.

I am to forward herewith the Erratum ordered in G.O. (Rt) 5804/95/LAD. dt. 25.10.95 and to request you to publish the same as gazette extra ordinary and to supply 300 copies to Government and 1500 copies to the Director of Panchayats, Thiruvananthapuram at the earliest.

ജനനമരണ രജിസ്റ്ററുകളും, വിവാഹ റിപ്പോർട്ടുകളും കൈമാറുന്നതും സൂക്ഷിക്കുന്നതും സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: പഞ്ചായത്ത് വകുപ്പ് - ജനനമരണ രജിസ്റ്ററുകളും, വിവാഹ റിപ്പോർട്ടുകളും കൈമാറുന്നതും സൂക്ഷിക്കുന്നതും സംബന്ധിച്ച്.

സൂചന: ഈ ആഫീസിലെ 28-4-89-ലെ ബി1. 14884/89 നമ്പർ സർക്കുലർ.

സർക്കാറിന്റെ 11-10-95-ലെ ജി.ഒ. (എം.എസ്.) 220/95/തദ്വ ഉത്തരവ് പ്രകാരം താലൂക്ക് പഞ്ചായത്ത് ആഫീസുകൾ നിർത്തലാക്കിയിരിക്കുന്ന സാഹചര്യത്തിൽ, ഇപ്പോൾ താലൂക്ക് പഞ്ചായത്ത് ആഫീസുകളിൽ സൂക്ഷിച്ചിരിക്കുന്ന ജനനമരണ രജിസ്റ്ററുകൾ തൽക്കാലം ബന്ധപ്പെട്ട പഞ്ചായത്തുകൾക്കു തന്നെ നൽകുന്നതിന് നിർദ്ദേശിക്കുന്നു. താലൂക്ക് പഞ്ചായത്ത് ആഫീസർമാരിൽ നിന്നും രജിസ്റ്ററുകൾ വാങ്ങുമ്പോൾ ഓരോ രജിസ്റ്ററിന്റെയും കൃത്യത ഉറപ്പുവരുത്തുന്നതിന് എല്ലാ രജിസ്ട്രാർമാരും/സെക്രട്ടറിമാരും ശ്രദ്ധിക്കേണ്ടതാണ്.

താലൂക്ക് പഞ്ചായത്ത് ആഫീസുകളിൽ സൂക്ഷിച്ചിട്ടുള്ള ഹിന്ദുവിവാഹ റിപ്പോർട്ടുകൾ അതാതു ജില്ലാ ഡെപ്യൂട്ടി ഡയറക്ടർ ആഫീസുകളിൽ ഏൽപ്പിക്കുന്നതിനും, നിർദ്ദേശിക്കുന്നു. രജിസ്റ്ററുകളും റിപ്പോർട്ടുകളും ബന്ധപ്പെട്ട രജിസ്ട്രാർമാരെയും ഡെപ്യൂട്ടി ഡയറക്ടർമാരെയും ഏൽപ്പിച്ച വിവരവും ഏറ്റുവാങ്ങിയ വിവരവും ഈ ആഫീസിലേയ്ക്ക് റിപ്പോർട്ട് ചെയ്യേണ്ടതാണ്. [നമ്പർ ബി1. 29930/95, തിരുവനന്തപുരം, 8-1-1996]

ജനന രജിസ്ട്രേഷനിൽ കോളങ്ങളിലെ കുറവുകൾ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ഇരിങ്ങാലക്കുട നഗരസഭ - ജനന രജിസ്ട്രേഷനിൽ കോളങ്ങളിലെ കുറവുകൾ സംബന്ധിച്ച്.

സൂചന: താങ്കളുടെ 8-7-96-ലെ പി. എച്ച് 2.7684/95-ാം നമ്പർ കത്ത്.

സൂചന കത്തിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. 1970 ന് മുമ്പ് ആരോഗ്യവകുപ്പ് നടത്തിയ ജനന രജിസ്ട്രേഷനുകളിൽ ഇല്ലാത്ത കോളങ്ങൾ ഉൾപ്പെടുത്തുവാനോ വിവരങ്ങൾ (പേരൊഴികെ) ചേർക്കുവാനോ പാടില്ല. ജനന സർട്ടിഫിക്കറ്റ് ഒരാളിന്റെ നാഷണാലിറ്റി തെളിയിക്കുന്നതിനുള്ള ആധികാരികൾ രേഖയില്ലാത്തതിനാൽ നാഷനാലിറ്റി തെളിയിക്കപ്പെടേണ്ട അവസരത്തിൽ ബന്ധപ്പെട്ട റവന്യൂ അധികാരികളുടെ സർട്ടിഫിക്കറ്റിനെ ആശ്രയിക്കേണ്ടതാണെന്നുള്ള വിവരം അറിയിക്കുന്നു. [നമ്പർ ബി1. 21950/96 എൽ. ഡിസ്, തിരുവനന്തപുരം, തീയതി 6-9-96]

ജനന - മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് വ്യാപകമായി നൽകുന്നത് ശ്രദ്ധയിൽപ്പെട്ടത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: പെരിനാട് ഗ്രാമ പഞ്ചായത്ത് - ജനന - മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ല എന്ന സർട്ടിഫിക്കറ്റ് വ്യാപകമായി നൽകുന്നത് ശ്രദ്ധയിൽപ്പെട്ടത് സംബന്ധിച്ച്.

സൂചന: പെരിനാട് പഞ്ചായത്ത്-ജനന-മരണ രജിസ്ട്രാറുടെ 24.1.1997-ലെ പി 6/7/97-ഉം 27.1.97-ലെ പി6/7/97-ഉം. 27-1-97-ലെ പി6/9/97-ഉം നം. നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റുകൾ.

സൂചനയിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. ജനന-മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന സർട്ടിഫിക്കറ്റ് ബന്ധപ്പെട്ട ജനനമോ, മരണമോ പ്രസ്തുത രജിസ്ട്രേഷൻ യൂണിറ്റിൽ തന്നെയാണ് നടന്നിട്ടുള്ളതെന്ന് ഉറപ്പുവരുത്തി, ജില്ലാ രജിസ്ട്രാർ, റവന്യൂ ഡിവിഷണൽ ഓഫീസർ, മജിസ്ട്രേട്ട് എന്നിവർക്ക്, അവരുടെ അനുവാദത്തോടെ രജിസ്ട്രേഷൻ നടത്തേണ്ട കേസുകളിൽ മാത്രമേ നൽകാവൂ എന്ന് 1-86-ലെ, ബി1/67004/85/എൽ ഡിസ്. നം. സർക്കുലറിൽ നിർദ്ദേശിച്ചിരിക്കുന്നു. ചില വിദേശരാജ്യങ്ങൾ ജനന-മരണ സർട്ടിഫിക്കറ്റുകൾക്ക് പകരമായി മതസ്ഥാപനങ്ങളുടെയും ജ്ഞാനസ്നാനങ്ങളുടെയും സർട്ടിഫിക്കറ്റുകൾ ജനന-മരണതീയതി നിശ്ചയിക്കുന്നതിന് അംഗീകരിക്കുന്നുവെന്നതിനാൽ ജനനമോ, മരണമോ രജിസ്റ്റർ ചെയ്തിട്ടുള്ള കേസുകളിൽത്തന്നെ ടി സംഭവങ്ങൾ നടന്നിട്ടില്ലാത്ത ഏതെങ്കിലും രജിസ്ട്രേഷൻ യൂണിറ്റിൽ അപേക്ഷ നൽകി വാങ്ങിയ നോൺ-രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റിനോടൊപ്പം മേൽ രേഖകൾ ഹാജരാക്കി അന്യായമായ നേട്ടങ്ങൾ ഉണ്ടാക്കുന്നതിനു ഇടവരുത്താതിരിക്കുന്നതിനും കൂടാതെ യാഥാർത്ഥ്യം ഒളിച്ചുവെച്ച് ആൾമാറാട്ടം നടത്തുന്ന പ്രവണത തടയുന്നതിനുമാണ് അപ്രകാരം സർക്കുലർ നിർദ്ദേശം നൽകിയിരുന്നത്.

എന്നാൽ വിധവകളുടെ പെൺമക്കളുടെ, വിവാഹാവശ്യത്തിന് ഗവൺമെന്റിൽ നിന്നും ധനസഹായം ലഭിക്കുന്നതിന് ടി സർക്കലറുകളിലെ നിർദ്ദേശം തടസ്സമുളവാക്കിയത് ശ്രദ്ധയിൽപ്പെട്ടതിനെത്തുടർന്ന് ആ ആവശ്യം കാണിച്ച് നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റ് നൽകാവുന്ന തരത്തിൽ, 6.8.1986-ലെ ബി1/40077/86-ാം നം. സർക്കുലറിലൂടെ, മേൽ സർക്കുലറിലെ നിർദ്ദേശത്തിന് വ്യതിയാനം വരുത്തിയിട്ടുള്ളതാണ്.

6.4.1989 - ലെ ബി1/7275-ാം നമ്പർ സർക്കുലറിലൂടെ, 1970 ലെ ജനന-മരണ രജിസ്ട്രേഷൻ നിയമത്തിന് മുൻകാല പ്രാബല്യമില്ലെന്നതിനാൽ 1.4.1970ന് മുമ്പ് നടന്ന ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അപേക്ഷകൾ ഇനിയൊരറിയിപ്പുണ്ടാകുന്നത് വരെ, രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന അറിയിപ്പ് മാത്രം, വേണ്ടത്ര അന്വേഷണം രജിസ്ട്രാർ നടത്തി ബോദ്ധ്യപ്പെട്ടശേഷം ജനനമോ, മരണമോ നടന്ന രജിസ്ട്രേഷൻ യൂണിറ്റിലെ രജിസ്ട്രാർമാർ നൽകുന്നതിന് നിർദ്ദേശിച്ചിരുന്നു.

ഈ സാഹചര്യം നിലനിൽക്കുമ്പോഴാണ് താങ്കൾ 1947-ൽ നടന്നതും 1960ൽ നടന്നതുമായ ജനനങ്ങൾ ഇപ്പോൾ രജിസ്റ്റർ ചെയ്യുന്നതിന് സൂചനയിലെ സർട്ടിഫിക്കറ്റുകൾ (അറിയിപ്പ് പകരം) നൽകിയത് ശ്രദ്ധയിൽ ഒപ്പിട്ടിട്ടുള്ളത്. ഇക്കാര്യത്തിൽ നിലവിലുള്ള നിർദ്ദേശങ്ങൾ അവഗണിച്ച് നൽകിയിട്ടുള്ള നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റുകൾ പിൻവലിക്കുന്നതിന് നിർദ്ദേശിക്കുന്നു. ഇനിമേൽ ഇത്തരം തെറ്റ് ആവർത്തിക്കരുതെന്ന കർശനമായി താക്കീതു ചെയ്യുന്നു. [നമ്പർ. ബി1/6701/97]

ജനന-മരണ രജിസ്റ്ററുകളിൽ ഒപ്പ് വയ്ക്കുന്നതിനുള്ള അധികാരം ജൂനിയർ പബ്ലിക് ഹെൽത്ത് ഇൻസ്പെക്ടർമാർക്ക് നല്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

sub: തിരുവനന്തപുരം നഗരസഭ-ജനന-മരണ രജിസ്റ്ററുകളിൽ ഒപ്പ് വയ്ക്കുന്നതിനുള്ള അധികാരം ജൂനിയർ പബ്ലിക് ഹെൽത്ത് ഇൻസ്പെക്ടർമാർക്ക് നല്കുന്നതിന് സംബന്ധിച്ച്.

Sir,

താങ്കളുടെ 4.2.97 - ലെ എച്ച് 1.216/97-ാം നമ്പർ കത്ത്

സൂചനയിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. കോർപ്പറേഷനുകളിൽ ഹെൽത്ത് ഇൻസ്പെക്ടർമാരെ സബ് രജിസ്ട്രാർമാരായി നിയമിക്കുന്നതിനുള്ള അധികാരം ഈ ഓഫീസിലെ 12.6.90-ലെ ബി1 - 20117/90/കെ. ഡിസ്. നമ്പർ സർക്കുലറിലൂടെ, വർദ്ധിച്ചുവരുന്ന ജോലിഭാരം കൃത്യമായി ഏറ്റെടുക്കുന്നതിന് ആവശ്യമായ ഉദ്യോഗസ്ഥന്മാർ ഉണ്ടായേ മതിയാകൂ എന്ന നയത്തിന്റെ അടിസ്ഥാനത്തിൽ ജനന-മരണ രജിസ്ട്രാർക്ക് നൽകിയിട്ടുള്ളതാണ്.

കോർപ്പറേഷനിൽ സീനിയറായ ഹെൽത്ത് ഇൻസ്പെക്ടർമാരുള്ളപ്പോൾ സബ്രജിസ്ട്രാർമാരായി രണ്ട് ജൂനിയർ ഹെൽത്ത് ഇൻസ്പെക്ടർമാരെ നിയമിക്കുന്നതിന് ശരിയായ കീഴ് വഴക്കമല്ല.

ഈ സാഹചര്യത്തിൽ തിരുവനന്തപുരം കോർപ്പറേഷനിലെ ജനന-മരണ വിഭാഗത്തിലെ അധിക ജോലി ഭാരം കണക്കിലെടുത്ത് ആവശ്യമുള്ളത്ര ഹെൽത്ത് ഇൻസ്പെക്ടർമാരെ സബ്-രജിസ്ട്രാർമാരായി നിയമിക്കാവുന്നതാണെന്നുള്ള വിവരം അറിയിക്കുന്നു.

ജനന-മരണ രജിസ്ട്രേഷൻ - മരണ കാർഡുകൾ തയ്യാറാക്കുന്നത് സംബന്ധിച്ച് സർക്കുലർ

സർ,

വിഷയം: ജനന-മരണ രജിസ്ട്രേഷൻ - മരണ കാർഡുകൾ തയ്യാറാക്കുന്നതും സമർപ്പിക്കുന്നതും സംബന്ധിച്ച്.

സൂചന: 16.5.97-ലെ ഇന്റർ ഡിപ്പാർട്ട്മെന്റൽ കമ്മിറ്റിയുടെ തീരുമാനം.

1997 ഡിസംബർ മാസത്തിൽ 100% ജനന മരണ രജിസ്ട്രേഷൻ നേടുന്നതിന് വേണ്ട പ്രവർത്തനങ്ങളുടെ ഭാഗമായി കൂടിയ ഇന്റർഡിപ്പാർട്ട്മെന്റൽ കമ്മിറ്റിയുടെ മീറ്റിംഗിൽ ലോക്കൽ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ നിന്നും അയക്കുന്ന ജനന-മരണ കാർഡുകളിൽ ധാരാളം തെറ്റുകൾ കണ്ടുവരുന്നുവെന്നും, ചുരുക്കെഴുത്തിൽ വിവരങ്ങൾ രേഖപ്പെടുത്തുന്നതായും, ചില രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ നിന്നും കാർഡുകൾ അയക്കുമ്പോൾ ഒരുമാസത്തെ എല്ലാ കാർഡുകളിലും ഒരേ വിവരം തന്നെ ആവർത്തിച്ചിരിക്കുന്നതായും ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു.

ആയതിനാൽ ജനന-മരണ കാർഡുകളിൽ വിവരങ്ങൾ എഴുതിയെടുക്കുമ്പോൾ ഉത്തരവാദിത്തത്തോടെ മുഴുവൻ വിവരങ്ങളും പൂർണ്ണമായി തന്നെ രേഖപ്പെടുത്തുവാൻ ശ്രദ്ധിക്കേണ്ടതാണ്. കൂടാതെ അതാതു മാസത്തെ ജനന-മരണ കാർഡുകൾ തൊട്ടടുത്ത മാസം 15-ാം തീയതിക്ക് മുമ്പായി തന്നെ അഡീഷണൽ ഡയറക്ടർ, ഇക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സ് ഡിപ്പാർട്ട്മെന്റ്, വി.എസ്. വിഭാഗം, വികാസ് ഭവൻ, തിരുവനന്തപുരം എന്ന വിലാസത്തിൽ അയച്ചുകൊടുത്ത് വിവരം ഈ ആഫീസിൽ അറിയിക്കുവാനും പ്രത്യേകം ശ്രദ്ധിക്കണമെന്ന് ഇതിനാൽ നിർദ്ദേശിക്കുന്നു. ജനന മരണ രജിസ്ട്രേഷൻ തിരുത്തലുകൾ സംബന്ധിച്ച് ആഫീസിലെ ബി1 19048/95 തീയതി; 24.3.97-ലെ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ പാലിക്കേണ്ടതുമാണ്. [ബി2. 38820/96, തിരുവനന്തപുരം തീയതി 30.6.1997]

ജനന രജിസ്ട്രേഷനിൽ സ്കൂൾ രേഖകളിൽ ജനന തീയതി തിരുത്തുന്നതിനുള്ള നടപടി സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന രജിസ്ട്രേഷനിൽ സ്കൂൾ രേഖകളിൽ ജനന തീയതി തിരുത്തുന്നതിനുള്ള നടപടി-ജനന രജിസ്റ്ററുകൾ പരിശോധനക്കായി നൽകുന്നത് സംബന്ധിച്ച്.

സൂചന: 1. ഗവൺമെന്റ് പരീക്ഷാ വിഭാഗം ജോയിന്റ് കമ്മീഷണറുടെ 8.10.97-ലെ ഇ എക്സ് ബി 3/16717/92-ാം നമ്പർ കത്ത്

സ്കൂൾ രേഖകളിൽ ജനനത്തീയതി തെറ്റായി രേഖപ്പെടുത്തിയിരിക്കുന്നത് തിരുത്തുന്നതിനുള്ള അപേക്ഷകളോടൊപ്പം സമർപ്പിക്കപ്പെടുന്ന ജനന സർട്ടിഫിക്കറ്റുകളുടെ നിജസ്ഥിതി ഉറപ്പ് വരുത്തുന്നതിലേക്ക് പരീക്ഷാ കമ്മീഷണറേറ്റിൽ നിന്നും പരിശോധനക്കായി നിയോഗിക്കപ്പെടുന്ന ഉദ്യോഗസ്ഥന്മാർക്ക് ബന്ധപ്പെട്ട രജിസ്റ്ററുകൾ പരിശോധിക്കുന്നതിന് ആവശ്യമായ സൗകര്യം ചെയ്തു കൊടുക്കേണ്ടതാണെന്ന് എല്ലാ ജനന-മരണ രജിസ്ട്രാറർമാരെയും ഇതിനാൽ അറിയിക്കുന്നു. [നമ്പർ ബി1. 36019/97, തിരുവനന്തപുരം, 9.12.1997]

വിദേശത്ത് നടന്ന മരണം പഞ്ചായത്തിൽ രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: വിദേശത്ത് നടന്ന മരണം കഠിനംകുളം പഞ്ചായത്തിൽ രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച്.

സൂചന: താങ്കളുടെ 16/7/97-ലെ അപേക്ഷ.

സൂചനയിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. താങ്കളുടെ അപേക്ഷയിൽപ്പറയുന്ന മരണം വിദേശത്ത് വെച്ച് നടന്നതും റിയാദിലെ ഇന്ത്യൻ എംബസിയിലെ ഡെത്ത് ഡോക്യുമെന്റേഷൻ യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ളതും രജിസ്ട്രാർ കൂടിയായ സിവിൽ അഥയേഴ്സ് ഡയറക്ടർ ഒപ്പ് രേഖപ്പെടുത്തി ഡെത്ത് റിപ്പോർട്ട് നൽകുകയും ചെയ്തിട്ടുണ്ട്. ടി. രേഖ നിയമസാധുതയുള്ള മരണരേഖ തന്നെയാണ്. ഇത്തരം കേസ്സുകളിൽ, സംഭവ സ്ഥലവുമായി ബന്ധപ്പെട്ട രജിസ്ട്രേഷൻ യൂണിറ്റെന്ന നിലയ്ക്ക് ബന്ധപ്പെട്ട എംബസികളിലെ കോൺസുലേറ്റുകളിലോ രജിസ്റ്റർ ചെയ്യപ്പെട്ട ജനന-മരണങ്ങൾ ഇവിടെ ലോക്കൽ രജിസ്ട്രേഷൻ യൂണിറ്റുകളായ പഞ്ചായത്ത്/നഗരസഭകളിൽ രജിസ്റ്റർ ചെയ്യേണ്ടതില്ല. മരണപ്പെട്ടയാളിന്റെ പേരിലുള്ള അവകാശങ്ങളും ആനുകൂല്യങ്ങളും നേടുന്നത് ടി. മരണ രേഖ മതിയാകുന്നതാണ്. ആ നിലയ്ക്ക് ലൈഫ് ഇൻഷുറൻസ് കോർപ്പറേഷന് ടി. രേഖ അവഗണിക്കുന്നതിനോ പഞ്ചായത്തിലോ നഗരസഭയിലോ ഉള്ള ജനന-മരണ രജിസ്ട്രാർ ഒപ്പിട്ട മരണ സർട്ടിഫിക്കറ്റ് തന്നെ ഈ കേസ്സിൽ സാമ്പത്തികാനുകൂല്യങ്ങൾക്കായി ഹാജരാക്കണമെന്ന് ആവശ്യപ്പെടാനോ കഴിയില്ല. [ബി1 - 24547/97, തിരുവനന്തപുരം]

ജനന മരണ രജിസ്ട്രേഷൻ - അപാകത പരിഹരിക്കൽ - സംബന്ധിച്ച് സർക്കുലർ

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ - അപാകത പരിഹരിക്കൽ - കുട്ടിയുടെ പേര് ചേർക്കൽ - മാതാപിതാക്കളുടെ പേരുകൾ മേൽവിലാസം തുടങ്ങിയ തിരുത്തലുകൾ, കുട്ടിയുടെ സെക്സ് തിരുത്തൽ എന്നിവ സംബന്ധിച്ച മാർഗ്ഗ നിർദ്ദേശങ്ങൾ.

സൂചന: 1. ബി1- 53872/89 തീയതി: 12-6-90-ാം നമ്പർ സർക്കുലർ
2. ബി1-19048/95 തീയതി: 27-6-95-ാം നമ്പർ സർക്കുലർ

ജനന-മരണ രജിസ്ട്രേഷൻ കാര്യക്ഷമമായി നടത്തുന്നതിനും, അപാകതകൾ പരിഹരിക്കുന്നതിനും, കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനും, തിരുത്തലുകൾ വരുത്തുന്നതിനുമുള്ള പ്രപ്പോസലുകൾ അയക്കുന്നതിനും നിബന്ധനകളും നിർദ്ദേശങ്ങളും ഉൾക്കൊള്ളിച്ച് നിരവധി സർക്കുലറുകൾ പുറപ്പെടുവിച്ചിട്ടുണ്ടെങ്കിലും ചില രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ പ്രസ്തുത സർക്കുലറുകളിലെ നിർദ്ദേശങ്ങൾക്ക് വിരുദ്ധമായി നടപടികൾ സ്വീകരിച്ചുവരുന്നതായി ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. ഈ സാഹചര്യത്തിൽ അക്കാര്യങ്ങളെ സംബന്ധിച്ച് താഴെ വിവരിക്കും വിധം വീണ്ടും പൊതുവായ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1-4-1970 ന് ശേഷമുള്ള രജിസ്ട്രേഷനുകളെ സംബന്ധിച്ച്

ജനന - രജിസ്ട്രേഷനിൽ മാതാവിന്റെയും പിതാവിന്റെയും രേഖാമൂലമുള്ള സംയുക്താപേക്ഷ പ്രകാരം, കുട്ടിയുടെ പേര് ലോക്കൽ രജിസ്ട്രാർക്കു തന്നെ ആവശ്യമായ അന്വേഷണം നടത്തി ബോദ്ധ്യപ്പെട്ടു ചേർക്കാവുന്നതും സംയുക്താപേക്ഷ സമർപ്പിക്കുന്നതിന് കഴിയാത്ത സാഹചര്യമുണ്ടെങ്കിൽ, അത് വിലയിരുത്തി മാതാപിതാക്കളിൽ ഒരാളിന്റെ രേഖാമൂലമുള്ള അപേക്ഷയുടേയോ, പ്രായപൂർത്തിയായിട്ടുണ്ടെങ്കിൽ കുട്ടിയുടെ തന്നെ അപേക്ഷയുടേയോ അടിസ്ഥാനത്തിൽ ജനന - രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേര് ചേർക്കാവുന്നതാണ്. പേര് ചേർക്കുമ്പോൾ കുട്ടിയുടെ പേരിനൊപ്പം ഇനിഷ്യലോ, സ്ഥലപ്പേരോ, ഇനിഷ്യലിന്റെ വികസിതരൂപമോ ഉണ്ടെങ്കിൽ നിർബന്ധമായും എഴുതേണ്ടതാണ്. രജിസ്ട്രേഷൻ യൂണിറ്റിന് പുറത്ത് താമസിക്കുന്ന മാതാപിതാക്കളുടെ, അപേക്ഷപ്രകാരം, പേര് ചേർക്കുന്നതിന് കുട്ടിയുടെ ഐഡന്റിഫിക്കേഷന് വേണ്ടി താമസസ്ഥലവുമായി ബന്ധപ്പെട്ട ജനന - മരണ രജിസ്ട്രേഷൻ യൂണിറ്റിലെ ജനന - മരണ രജിസ്ട്രാറിൽ നിന്നും കുട്ടിയുടെ ജനനക്രമം കാണിക്കുന്ന ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് വാങ്ങിയിരിക്കേണ്ടതാണ്. അപേക്ഷകൻ താമസിക്കുന്നത് കേരള സംസ്ഥാനത്തിന് വെളിയിലാണെങ്കിൽ മേൽക്കാര്യങ്ങൾ സംബന്ധിച്ച് നോട്ടറി മുമ്പാകെയുള്ള സത്യവാങ്മൂലം സ്വീകരിച്ചാൽ മതിയാകുന്നതാണ്. 1.4.1970ന് മുൻപുള്ള എല്ലാ ജനന- രജിസ്ട്രേഷനുകളിലും കുട്ടിയുടെ പേര് ചേർക്കുന്നതിന് മുൻപായി, ആവശ്യമായ രേഖകൾ സഹിതം ചീഫ് രജിസ്ട്രാർക്ക് അപേക്ഷ ശുപാർശ സഹിതം അയച്ച് അനുവാദം വാങ്ങിയിരിക്കേണ്ടതാണ്.

വിദ്യാഭ്യാസത്തിന് സ്കൂളിൽ ചേർന്ന ശേഷമാണ് കുട്ടിയുടെ പേര് ചേർക്കുന്നതിന് അപേക്ഷിക്കുന്നതെങ്കിൽ, സ്കൂൾ റിക്കാർഡിന്റെ ശരിപ്പകർപ്പ് കൂടെ വാങ്ങേണ്ടതും ജനന - രജിസ്ട്രേഷനിലേയും സ്കൂൾ രേഖയിലേയും ജനനതീയതികൾ തമ്മിൽ 6 മാസത്തിലധികം വ്യത്യാസമുള്ള കേസുകളിൽ പേര് ചേർക്കുന്നതിന് മുൻപായി ചീഫ് രജിസ്ട്രാറുടെ അനുവാദം വാങ്ങിയിരിക്കേണ്ടതാണ്. ഇപ്രകാരമുള്ള അപേക്ഷകൾ ചീഫ് രജിസ്ട്രാർക്കയക്കുമ്പോൾ, ചീഫ് രജിസ്ട്രാർക്കുള്ള കോർട്ട് ഫീസ് സ്റ്റാമ്പ് പതിച്ച അപേക്ഷ, ജനന - രജിസ്ട്രേഷന്റെ ശരിപ്പകർപ്പ്, കുട്ടിയുടെ സ്കൂൾ രേഖയുടെ ശരിപ്പകർപ്പ്, അപേക്ഷകൻ താമസിക്കുന്ന സ്ഥലവുമായി ബന്ധപ്പെട്ട ജനന - മരണ രജിസ്ട്രേഷൻ യൂണിറ്റിലെ ജനന-മരണ രജിസ്ട്രാറിൽ നിന്നുമുള്ള, മാതാപിതാക്കൾക്ക് ജനിച്ചിട്ടുള്ളതിൽ ജീവിച്ചിരിക്കുന്നതും മരണപ്പെട്ടതും ഉൾപ്പെടെ ആകെ

കുട്ടികളുടെ ജനനക്രമം കാണിക്കുന്ന നിശ്ചിത ഫാറത്തിലുള്ള സ്റ്റേറ്റ്മെന്റ് ഉൾപ്പെട്ട ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ്, ജനന-മരണ രജിസ്ട്രാറുടെ വ്യക്തമായ ശുപാർശകൾ സഹിതമുള്ള വിശദമായ അന്വേഷണ റിപ്പോർട്ട് എന്നിവ കൂടി അയക്കേണ്ടതാണ്. സാക്ഷ്യപ്പെടുത്തലോടു കൂടിയവയല്ലാത്ത രേഖകൾ പരിഗണിക്കുന്നതല്ല.

1-4-1970-ൽ പ്രാബല്യത്തിൽ വന്ന ജനന-മരണ രജിസ്ട്രേഷൻ നിയമത്തിന് മുൻകാല പ്രാബല്യമില്ലെന്ന് കേരളാ ഹൈക്കോടതിയിലെ, ഒ.പി. 7911/82-ാം നമ്പർ കേസിലെ വിധിന്യായത്തിൽ പരാമർശിക്കപ്പെട്ടതിനാൽ ഇക്കാര്യത്തിൽ ഇനിയൊരറിയിപ്പ് ഉണ്ടാകുന്നതുവരെ 1-4-1970 ന് മുൻപ് നടന്ന ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നതിന് സാധിക്കുകയില്ലെന്നതിനാൽ ഇക്കാര്യത്തിന് വേണ്ടി നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റ് നൽകാൻ പാടുള്ളതല്ല. ഇത്തരം കേസുകളിൽ ടി ജനനമോ, മരണമോ പ്രസ്തുത രജിസ്ട്രേഷൻ യൂണിറ്റിന്റെ പരിധിക്കുള്ളിൽ നടന്നതാണെന്ന് വ്യക്തമായി ബോദ്ധ്യപ്പെട്ടാൽ ജനന-മരണ തീയതിക്ക് മുൻപും പിൻപും ഉള്ള 3 വർഷത്തെ വീതം രജിസ്റ്ററുകൾ കൂടി പരിശോധിച്ച് ടി ജനനമോ മരണമോ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന് രജിസ്ട്രാർ ബോദ്ധ്യപ്പെട്ട്, ഇക്കാര്യം സംബന്ധിച്ച അറിയിപ്പ് മാത്രം നൽകേണ്ടതാണ്. എന്നാൽ വിധവകളുടെ പെൺമക്കളുടെ വിവാഹാവശ്യത്തിന് ധനസഹായം സർക്കാരിൽ നിന്നും ലഭിക്കേണ്ട കേസുകളിൽ, മേൽപ്പറഞ്ഞ പ്രകാരം കൃത്യവും വസ്തുനിഷ്ടവുമായ പരിശോധന നടത്തി ബോദ്ധ്യപ്പെട്ട്, അക്കാര്യത്തിനായി മാത്രമുള്ള നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതാണ്.

തിരുത്തലുകൾ സംബന്ധിച്ച്

ജനനരജിസ്ട്രേഷനിൽ ഒരിക്കൽ ചേർത്ത പേര് പിന്നീട് മറ്റൊരു പേരായി തിരുത്താവുന്നതല്ല. എന്നാൽ പ്രസവശേഷം രജിസ്ട്രേഷനോടനുബന്ധിച്ച് കുട്ടിയ്ക്ക് ഒരു ഓമനപ്പേര് ചേർക്കുകയും കുട്ടിയുടെ വിദ്യാഭ്യാസത്തിന് സ്കൂളിൽ ചേർക്കുന്നതിന് മുമ്പായി (അഞ്ച് വയസ്സ് പൂർത്തിയാക്കുന്നതിന് മുൻപ്) യഥാർത്ഥ പേര് ചേർക്കണമെന്ന് മാതാപിതാക്കൾ ആവശ്യപ്പെടുകയാണെങ്കിൽ ആയത് അന്വേഷണം നടത്തി ബോദ്ധ്യപ്പെട്ട് ചീഫ് രജിസ്ട്രാറുടെ അനുമതിയോടെ ചെയ്യാവുന്നതാണ്. കുട്ടിയുടെ പേരിൽ അക്ഷരത്തെറ്റോ, ക്ലറിക്കൽ തകരാറോ സംഭവിച്ചിട്ടുള്ള കേസുകളിൽ മാത്രം ജനന-മരണ രജിസ്ട്രാർക്ക് തന്നെ അന്വേഷണം നടത്തി ബോധ്യപ്പെട്ട് തെറ്റ് പരിഹരിക്കാവുന്നതാണ്. ഇപ്രകാരം ചെയ്യുമ്പോൾ സ്കൂൾ രേഖയാണ് അധികാരിക പ്രമാണമായി കണക്കിലെടുക്കേണ്ടത്. ഗസറ്റ് വിജ്ഞാപനം വഴി പേര് മാറ്റിയാൽ അതിൻ പ്രകാരം ജനന രജിസ്ട്രേഷനിലെ കുട്ടിയുടെ പേര് തിരുത്താവുന്നതല്ല. ജനന സർട്ടിഫിക്കറ്റിനൊപ്പം ഗസറ്റ് വിജ്ഞാപനത്തിന്റെ പകർപ്പും നോട്ടറി മുൻപാകെയുള്ള സത്യവാങ്മൂലവും എംബസികളിലേയും, നിയമപരമായ ആവശ്യങ്ങളും നിറവേറ്റുന്നതാണ്.

രജിസ്ട്രേഷൻ തീയതി മുതൽ 5 വർഷം കഴിഞ്ഞ് ലഭിക്കുന്ന അപേക്ഷകളനുസരിച്ച് മാതാപിതാക്കളുടെ പേരുകൾ, മേൽവിലാസം, കുട്ടിയുടെ സെക്സ്, മതം, സമുദായം, മരണത്തീയതി, മരണപ്പെട്ടയാളിന്റെ പേര്, മരണപ്പെട്ടയാളിന്റെ ഭർത്താവിന്റെയോ പിതാവിന്റെയോ പേരുകൾ, തുടങ്ങിയവയിലുള്ള തിരുത്തലുകൾ ചീഫ് രജിസ്ട്രാറുടെ അനുവാദത്തോടെ മാത്രമേ നടത്തുവാൻ പാടുള്ളൂ. ജനനരജിസ്ട്രേഷനിൽ ജനനത്തീയതി തിരുത്തുവാൻ പാടുള്ളതല്ല. മാതാവിന്റെ പേരിനോടൊപ്പം പിതാവിന്റെ പേര് കൂട്ടിച്ചേർത്തും കുട്ടിയുടെ പേരിനൊപ്പം മാതാപിതാക്കളുടെ പേര് കൂട്ടിച്ചേർത്തും മാതാപിതാക്കളുടെയോ കുട്ടിയുടേയോ പേരിലെ ഇനിഷ്യലുകൾ വികസിപ്പിച്ചും ഉള്ള തിരുത്തലുകൾ യാതൊരു കാരണവശാലും അനുവദനീയമല്ലെന്ന് രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇൻഡ്യ കേന്ദ്ര നിയമ മന്ത്രാലയവുമായി ആലോചിച്ചതിന് ശേഷം വ്യക്തമാക്കിയിട്ടുള്ളതാണ്. ആയതിനാൽ അത്തരം തിരുത്തലുകൾ സംബന്ധിച്ച് അനുമതിക്കുള്ള അപേക്ഷ ശുപാർശ ചെയ്തയക്കേണ്ടതില്ല. രജിസ്ട്രേഷൻ തീയതി മുതൽ 5 വർഷം കഴിയാത്ത കേസുകളിൽ ക്ലറിക്കൽ തകരാറ്, സ്പെല്ലിംഗ് മിസ്റ്റേക്ക് എന്നിവയാൽ വേണ്ടിവരുന്ന സംഗതികളിൽ ജനന-മരണ രജിസ്ട്രാർക്ക് തന്നെ ആധികാരിക രേഖകൾ പരിശോധിച്ച് ബോദ്ധ്യപ്പെട്ട് തിരുത്തൽ വരുത്താവുന്നതാണ്. ഇവയൊഴികെ, അടിസ്ഥാനപരമായി വ്യത്യസ്ഥമായ തിരുത്തലുകൾ, മറ്റൊരു പേരായ തിരുത്തൽ എന്നിവ ചീഫ് രജിസ്ട്രാറുടെ അനുമതിയോടെ മാത്രമേ വരുത്തുവാൻ പാടുള്ളൂ. മാതാപിതാക്കളുടെ സ്ഥിരമേൽവിലാസം തിരുത്തുന്നതിന് അനുമതിക്കായി അപേക്ഷിക്കുമ്പോൾ, ജനനസമയത്തെ - കുട്ടിയെ സംബന്ധിക്കുന്ന ജനന രജിസ്ട്രേഷനിൽ ഉൾപ്പെടുത്തേണ്ടന്നതിനാൽ, തിരുത്തി ചേർക്കാവുന്നതാണ്. ആവശ്യപ്പെടുന്ന വിലാസത്തിലായിരുന്നു കുട്ടിയുടെ ജനനക്കാലത്ത് മാതാപിതാക്കൾ താമസിച്ചിരുന്നതെന്ന് തെളിയിക്കുന്ന രേഖകൾ കൂടി ഉൾപ്പെടുത്തിയിരിക്കണം. മരണ രജിസ്ട്രേഷനിൽ മരണപ്പെട്ടയാളിന്റെ പേര് തിരുത്തേണ്ടി വരുമ്പോൾ, ടിയാൻ മരണത്തിന് മുൻപായി നിയമാനുസരണം (ഗസറ്റ് വിജ്ഞാപനം വഴി) പേര് മാറ്റിയിട്ടുള്ളയാളാണെങ്കിൽ ടി വിജ്ഞാപനത്തിന്റെ ശരിപ്പകർപ്പും, പൗരത്വം തിരുത്തേണ്ടിവരുന്ന കേസുകളിൽ ഫോറിനേഴ്സ് രജിസ്ട്രേഷൻ ഓഫീസിൽ നിന്നും ടിയാന്റെ മരണകാലത്തെ പൗരത്വം സംബന്ധിച്ച് സർട്ടിഫിക്കറ്റും കൂടി ചീഫ് രജിസ്ട്രാർക്ക് അനുമതിക്കായുള്ള ഉപക്ഷേപത്തിൽ ഉൾപ്പെടുത്തേണ്ടതാണ്. മരണത്തിനു മുൻപായി ഒരാൾ നിയമാനുസരണം പുതിയ പേര് സ്വീകരിച്ചിട്ടുണ്ടെങ്കിൽ ആ പേരാണ് മരണ രജിസ്ട്രേഷനിൽ ഉൾപ്പെടുത്തേണ്ടത്.

തിരുത്തലുകൾ സംബന്ധിച്ച് അനുമതിക്കുള്ള അപേക്ഷകൾ ശുപാർശ ചെയ്തയക്കുമ്പോൾ ബന്ധപ്പെട്ട ജനന-മരണ രജിസ്ട്രേഷന്റേയും സ്കൂൾ രേഖയുടേയും ശരിപ്പകർപ്പുകൾ, ചീഫ് രജിസ്ട്രാർക്കുള്ള കോർട്ട്ഫീസ് സ്റ്റാമ്പ് പതിച്ച അപേക്ഷ, ജനന-മരണ രജിസ്ട്രാറുടെ അന്വേഷണ റിപ്പോർട്ടും ശുപാർശയും

താമസ സ്ഥലവുമായി ബന്ധപ്പെട്ട ജനന-മരണ രജിസ്ട്രേഷൻ യൂണിറ്റ് രജിസ്ട്രാറിൽ നിന്നും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് (താമസം കേരളത്തിന് പുറത്താണെങ്കിൽ നോട്ടറി മുൻപാകെയുള്ള സത്യവാങ്മൂലം മതിയാകും) മാതാവിന്റേയോ, പിതാവിന്റെയോ പേരിൽ തിരുത്തൽ വരുത്തേണ്ടിവരുമ്പോൾ മാതാപിതാക്കൾ സംയുക്തമായി അപേക്ഷിക്കുന്ന തരത്തിലുള്ളതായിരിക്കണം. ഒരു പേര് മറ്റൊരു പേരായി തിരുത്തേണ്ട കേസുകളിൽ രണ്ട് പേരിലും അറിയപ്പെടുന്നത് ഒരേ വ്യക്തിയാണെന്നത് സംബന്ധിച്ച് വില്ലേജ്/താലൂക്ക് - റവന്യൂ അധികാരികളിൽ നിന്നുള്ള സാക്ഷ്യപത്രം, ജനന - മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ, ചട്ടം 12(4) പ്രകാരമുള്ളതും രണ്ട് ഗസറ്റഡ് ഉദ്യോഗസ്ഥന്മാരിൽ നിന്നുള്ള ഡിക്ലറേഷനുകൾ എന്നിവ അനുബന്ധരേഖകളായി അയക്കേണ്ടതാണ്.

ജനന-മരണ രജിസ്റ്ററുകളിൽ തിരുത്തൽ വരുത്തുമ്പോൾ, സെക്ഷൻ 15-ൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്ന പ്രകാരം ഒറിജിനൽ എൻട്രി തിരുത്തുകയോ റദ്ദാക്കുകയോ ചെയ്യാതെ യുക്തമായ രീതിയിൽ മാർജിനിൽ എഴുതി രജിസ്ട്രാർ ഒപ്പും തീയതിയും രേഖപ്പെടുത്തേണ്ടതും ഇപ്രകാരം തിരുത്തിക്കഴിഞ്ഞ കേസുകളിൽ സർട്ടിഫിക്കറ്റ് നല്കുമ്പോൾ മുൻ സർക്കുലറിലേതിൽ നിന്നും വ്യത്യസ്തമായി തിരുത്തൽ വരുത്തിയശേഷമുള്ള വിവരങ്ങൾ മാത്രം (തിരുത്തൽ വരുത്തുന്നതിന് മുൻപുള്ള വിവരങ്ങൾ സർട്ടിഫിക്കറ്റിൽ കാണിക്കേണ്ടതില്ല) ഉൾപ്പെടുത്തി സർട്ടിഫിക്കറ്റ് നല്കാവുന്നതാണ്. ഏതെങ്കിലും സംഗതികളിൽ തിരുത്തലുകൾ വരുത്തുന്നതിന് മുൻപ് സർട്ടിഫിക്കറ്റുകൾ നല്കിയിട്ടുള്ള പക്ഷം നിർബന്ധമായും ആയത് തിരികെ വാങ്ങി റദ്ദ് ചെയ്യേണ്ടതാണ്.

ജനന-മരണ രജിസ്ട്രാർമാർ, ജനന-മരണ രജിസ്ട്രേഷനുകളിൽ 12-ാം ചട്ടം അനുസരിച്ച് പകർപ്പുകൾ തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർമാർക്ക് അയക്കുന്നതിന് പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതും, ജില്ലാ രജിസ്ട്രാർമാർ ഇക്കാര്യത്തിൽ രജിസ്ട്രാർമാർ വീഴ്ച വരുത്തുന്നുണ്ടോ എന്ന് വീക്ഷിക്കേണ്ടതുമാണ്.

ജനന - മരണ സർട്ടിഫിക്കറ്റുകൾ 17-ാം വകുപ്പ് അനുസരിച്ച് മുദ്ര പത്രത്തിൽ നല്കുന്നതിന് സർട്ടിഫിക്കറ്റിന്റെ മാതൃകയിൽ (ഫാറം നമ്പർ 9,10) ഓരോ റബ്ബർ സ്റ്റാമ്പ് ഉണ്ടാക്കി മുദ്രപത്രത്തിൽ പതിച്ച് വിവരങ്ങൾ എഴുതി ചേർത്ത് നല്കേണ്ടതാണ്.

ഈ സർക്കുലറിൽ പ്രതിപാദിക്കാത്ത കാര്യങ്ങളെക്കുറിച്ച് ഉണ്ടായേക്കാവുന്ന സംശയങ്ങൾ ചീഫ് രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽപ്പെടുത്തി നിർദ്ദേശങ്ങൾ വാങ്ങേണ്ടതാണ്.

കൂടാതെ ഈ സർക്കുലറിൽ സൂചിപ്പിച്ചിരിക്കുന്ന വിധം അന്വേഷണ റിപ്പോർട്ടുകളും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റും രജിസ്ട്രാർമാർ ആവശ്യപ്പെടുന്നപക്ഷം നല്കുന്നതിന് മറ്റ് ജനന-മരണ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലെ രജിസ്ട്രാർമാർ ബാദ്ധ്യസ്ഥരാണ്.

മേൽ കൊടുത്തിരിക്കുന്ന നിർദ്ദേശങ്ങൾ ഉടനടി പ്രാബല്യത്തിൽ വരുന്നതാണ്. [B1. 19048/95, പഞ്ചായത്ത് ഡയറക്ടറേറ്റ്, തീയതി 24-3-97]

ഉപേക്ഷിക്കപ്പെട്ട കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനും, സർട്ടിഫിക്കറ്റ് നൽകലും സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ഉപേക്ഷിക്കപ്പെട്ട കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനും ആയതിന്റെ സർട്ടിഫിക്കറ്റ് നൽകലും സംബന്ധിച്ച മാർഗ്ഗനിർദ്ദേശങ്ങൾ.

ഉപേക്ഷിക്കപ്പെട്ട ഫോണ്ടിലിംഗ് ഹോമുകളിൽ കഴിയുന്ന കുട്ടികളെ ദത്തെടുക്കപ്പെടുമ്പോൾ പ്രസ്തുത കുട്ടികളുടെ ജനന സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിലേക്കായി വളരെയധികം പ്രയാസങ്ങൾ ദത്തെടുക്കുന്നവർക്ക് നേരിടുന്നതായി ജനന മരണ വിഭാഗം ചീഫ് രജിസ്ട്രാർ അറിയിച്ചിരിക്കുന്നു. ഇവ പരിഹരിക്കുന്നതിന് ഉപേക്ഷിക്കപ്പെട്ട കുട്ടിയുടെ ജനന തീയതി, ജനന സ്ഥലം, മാതാപിതാക്കളുടെ പേര്, വിലാസം എന്നിവ ജനന രജിസ്റ്ററിൽ രേഖപ്പെടുത്തുന്നത് സംബന്ധിച്ചും, ദത്തെടുത്ത ശേഷമുള്ള വിവരങ്ങൾ രേഖപ്പെടുത്തുന്നതും ജനന സർട്ടിഫിക്കറ്റ് നല്കുന്നത് സംബന്ധിച്ചും താഴെപ്പറയുന്ന മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1) രജിസ്ട്രേഷൻ:- ഉപേക്ഷിക്കപ്പെട്ട കുട്ടിയെ ലഭിക്കുന്ന സാഹചര്യത്തിൽ ആവശ്യമെങ്കിൽ ലോക്കൽ പോലീസിന്റെ സഹായത്തോടുകൂടി ആവശ്യമായ അന്വേഷണം നടത്തി അസ്വാഭാവിക മരണം സംബന്ധിച്ച് ബന്ധപ്പെട്ട ലോക്കൽ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്യുവാൻ നിയോഗിക്കപ്പെട്ടിരിക്കുന്നതു പോലെ തന്നെ ടി കുട്ടിയുടെ ജനനവും രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്.

2) ജനനസ്ഥലം:- ഉപേക്ഷിക്കപ്പെടുന്ന കുട്ടിയുടെ ജനനം രജിസ്റ്റർ ചെയ്യുമ്പോൾ യഥാർത്ഥ ജനന സ്ഥലം അറിയാൻ കഴിയുന്നില്ലെങ്കിൽ കുട്ടിയെ ലഭിച്ച സ്ഥലം തന്നെ ജനന സ്ഥലമായി കണക്കിലെടുക്കേണ്ടതാണ്.

3) ജനന തീയതി:- അസ്വാഭാവിക മരണത്തിന്റെ കാര്യത്തിൽ മരണസമയം ഡോക്ടർ സാക്ഷ്യപ്പെടുത്തുന്നതുപോലെ ജനന തീയതി (ഏകദേശമാണെങ്കിൽ പോലും) ഡോക്ടറുടെ സഹായത്താൽ നിജപ്പെടുത്തേണ്ടതാണ്.

4) മാതാപിതാക്കളുടെ പേര്:- മാതാപിതാക്കളുടെ പേര്, വിലാസം എന്നീ വിവരങ്ങൾ അറിയാത്ത സാഹചര്യത്തിൽ ബന്ധപ്പെട്ട കോളങ്ങളിൽ യാതൊന്നും തന്നെ രേഖപ്പെടുത്തേണ്ടതില്ല.

5) താമസിച്ചുള്ള ജനന രജിസ്ട്രേഷനിൽ 'ഡി' എന്ന് അടയാളപ്പെടുത്തുന്നത് പോലെ ദത്തെടുക്കുന്ന കുട്ടികളുടെ രജിസ്ട്രേഷൻ തിരിച്ചറിയിക്കുന്നതിന് വേണ്ടി ജനന രജിസ്റ്ററിൽ ക്രമനമ്പർ കോളത്തിൽ ചുവന്ന മഷിയിൽ 'എ' എന്ന് അടയാളപ്പെടുത്തേണ്ടതാണ്.

6) കുട്ടികളെ ദത്തെടുക്കുമ്പോൾ ദത്തെടുക്കുന്ന ദമ്പതികളുടെ രേഖാമൂലമുള്ള അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ അവരുടെ പേരും, മേൽവിലാസവും, പൗരത്വവും 'റിമാർക്സ്' കോളത്തിൽ രേഖപ്പെടുത്താവുന്നതാണ്.

7) ദത്തെടുക്കുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷന്റെ സർട്ടിഫിക്കറ്റ് നല്കുമ്പോൾ മാതാപിതാക്കളുടെ പേര് എന്നത് "രക്ഷകർത്താവിന്റെ പേരുകൾ" എന്നാക്കി സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതാണ്. മരണ രജിസ്ട്രേഷനിലെ മരണ കാരണം മരണ സർട്ടിഫിക്കറ്റിൽ രേഖപ്പെടുത്താതെ നൽകുന്ന രീതി ഇക്കാര്യത്തിലും അനുവർത്തിക്കേണ്ടതാണ്.

8) കുട്ടിയെ ദത്തെടുക്കുന്നതിന് മുമ്പ് രജിസ്റ്ററിൽ എന്തെങ്കിലും പേര് ചേർത്തിട്ടുണ്ടെങ്കിൽ നിയമപരമായി ദത്തെടുക്കുന്നവരുടെ രേഖാമൂലമുള്ള അപേക്ഷപ്രകാരം സ്വാഭാവിക ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ ഓമനപ്പേര് മാറ്റുന്നതിന് ഉത്തരവ് നൽകുന്നതുപോലെ തന്നെ ഇത്തരം രജിസ്ട്രേഷനുകൾക്കും പേര് മാറ്റി നൽകാവുന്നതാണ്.

9) ദത്തെടുക്കപ്പെടുന്ന ഒരു കുട്ടിയുടെ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ നിയമാനുസരണം ദത്തെടുക്കുന്നവർക്ക് താമസിച്ചുള്ള ജനന രജിസ്ട്രേഷനുള്ള വ്യവസ്ഥകൾക്ക് വിധേയമായി പ്രസ്തുത കുട്ടിയുടെ ജനനം രജിസ്റ്റർ ചെയ്യാവുന്നതാണ്. [നമ്പർ. 47797/സി1/97 തഭവ, തദ്ദേശ (സി) വകുപ്പ്, തിരുവനന്തപുരം, തീയതി 26-11-1977]

ജനന രജിസ്ട്രേഷൻ - കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനുള്ള നടപടി സംബന്ധിച്ച സർക്കുലർ

വിഷയം: ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനുള്ള നടപടി സംബന്ധിച്ച്.

സൂചന: 1. ഈ ആഫീസിലെ 24.3.97-ലെ ബി1. 19048/95-ാം നമ്പർ സർക്കുലർ.

2. ഈ ആഫീസിലെ 27.3.1998-ലെ ബി2. 546/98-ാം നമ്പർ സർക്കുലർ.

മേൽ സൂചന ഒന്നിലെയും രണ്ടിലെയും സർക്കുലറുകളിൽ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടുള്ള യൂണിറ്റിന് പുറത്ത് താമസിക്കുന്ന കുട്ടികളുടെ പേര് ജനന രജിസ്ട്രേഷനിൽ ചേർക്കുന്നതിന് അപേക്ഷിക്കുമ്പോൾ അപേക്ഷകർ താമസിക്കുന്ന യൂണിറ്റിലെ ജനനമരണ രജിസ്ട്രാറിൽ നിന്നും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് വാങ്ങി ഹാജരാക്കണമെന്ന് നിഷ്ക്കർഷിച്ചിരുന്നു. ടി നിർദ്ദേശം കുട്ടികളുടെ ജനന സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിന് വളരെ കൂടുതൽ കാലതാമസവും വിഷമങ്ങളും ഉണ്ടാക്കുന്നതായി പല ഗ്രാമ പഞ്ചായത്ത് പ്രസിഡന്റുമാരും, സെക്രട്ടറിമാരും മറ്റു പൊതുജനങ്ങളും ബഹുമാനപ്പെട്ട സർക്കാരിന്റെയും ചീഫ് രജിസ്ട്രാറുടെയും മുമ്പാകെ പരാതിപ്പെട്ടിരിക്കുന്നു. ഈ പരാതിയിൽ സത്യമുണ്ടെന്നതിനാൽ പൊതുജനങ്ങളുടെ ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി കുട്ടി ജനിച്ച് ആറ് വർഷം പൂർത്തിയാകുന്നതിനുമുമ്പ് കുട്ടിയുടെ പേര് ജനന രജിസ്ട്രേഷനിൽ ചേർക്കുന്നതിന് കുട്ടിയുടെ മാതാപിതാക്കൾ താമസിക്കുന്ന രജിസ്ട്രേഷൻ യൂണിറ്റിലെ രജിസ്ട്രാറിൽ നിന്നും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് വാങ്ങി ഹാജരാക്കണമെന്ന നിബന്ധന ഒഴിവാക്കി ഉത്തരവാകുന്നു.

ഇത്തരം കേസുകളിൽ കുട്ടിയുടെ മാതാപിതാക്കളുടെ സംയുക്താപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടുള്ള യൂണിറ്റിലെ ജനന മരണ രജിസ്ട്രാർക്ക് ബോദ്ധ്യപ്പെട്ടാൽ പേര് ചേർക്കാവുന്നതാണ് എന്ന് അറിയിക്കുന്നു. [നമ്പർ ബി2. 13987/98, തിരുവനന്തപുരം, 8-6-1998]

1-4-1970ന് മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് - സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: 1-4-1970ന് മുമ്പുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് - സംബന്ധിച്ച്.

സൂചന: 1. ഈ ആഫീസിലെ 12.6.90-ലെ ബി1 - 53872/89-ാം നമ്പർ സർക്കുലർ.

2. ഈ ആഫീസിലെ 24.3.97-ലെ ബി1 - 19048/95-ാം നമ്പർ സർക്കുലർ.

1.4.70ന് പ്രാബല്യത്തിൽ വന്ന 1969 ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ടിന് മുൻകാല പ്രാബല്യമില്ലെന്ന് ബഹു. കേരളാ ഹൈക്കോടതിയിലെ ഒ.പി. 7911/82-ാം നമ്പർ കേസിലെ വിധിന്യായത്തിൽ പരാമർശിച്ചതിന്റെ അടിസ്ഥാനത്തിൽ 1.4.1970 ന് മുമ്പുള്ള ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്യാൻ പാടില്ലെന്ന് സൂചന ഒന്നിലെയും രണ്ടിലെയും സർക്കുലറുകളിൽ നിർദ്ദേശിച്ചിരുന്നു.

എന്നാൽ 1998 (1) കെ.എൽ.റ്റി. 683 ൽ റിപ്പോർട്ട് ചെയ്തിട്ടുള്ള ഒ.പി. 1671/92-ാം നമ്പർ കേസിലെ വിധിന്യായത്തിൽ ബഹു. ഹൈക്കോടതിയിലെ ഫുൾ ബഞ്ച് 1.4.70 ന് മുമ്പുള്ള ജനനം യഥാസമയം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ ആയത് സെക്ഷൻ 13 അനുസരിച്ച് രജിസ്റ്റർ ചെയ്യാവുന്നതാണെന്ന് വ്യക്തമാക്കി

യിരിക്കുന്നു. ഈ സാഹചര്യത്തിൽ 1.4.1970 ന് മുമ്പ് നടന്ന ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ, ആയത് 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ട് സെക്ഷൻ 13(3) അനുസരിച്ച് ഇപ്പോൾ രജിസ്റ്റർ ചെയ്യാവുന്നതാണെന്ന് ഇതിനാൽ അറിയിക്കുന്നു.

ഇത്തരം സംഗതികളിൽ അപേക്ഷകൾ ലഭിക്കുമ്പോൾ ജനന-മരണ രജിസ്ട്രാർ വ്യക്തമായി അന്വേഷണം നടത്തി. രജിസ്ട്രേഷൻ യൂണിറ്റിന്റെ പരിധിക്കുള്ളിലാണ് ജനനം അല്ലെങ്കിൽ മരണം നടന്നതെന്നും, സംഭവം നടന്നതിന് മുമ്പും പിമ്പുമുള്ള മൂന്ന് വർഷങ്ങളിലെയെങ്കിലും ജനന-മരണ രജിസ്റ്ററുകൾ പരിശോധിച്ച് ആയത് രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്നും ഉറപ്പ് വരുത്തേണ്ടതാണ്.

ജനന മരണങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നതിനായി ലഭിക്കുന്ന അപേക്ഷകളിന്മേൽ റവന്യൂ ഡിവിഷണൽ ആഫീസർമാർ വിശദമായി അന്വേഷണം നടത്തി വസ്തുതകൾ ബോദ്ധ്യപ്പെട്ടതിനു ശേഷം മാത്രമേ അവ രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അനുമതി ഉത്തരവ് പറപ്പെടുവിക്കാവൂ.

നിയമത്തിന്റെ ആനുകൂല്യം ഒരു കാരണവശാലും ദുർവിനിയോഗം ചെയ്യപ്പെടുന്നില്ലെന്ന് എല്ലാ ജനന-മരണ രജിസ്ട്രാർമാരും, റവന്യൂ ഡിവിഷണൽ ആഫീസർമാരും ഉറപ്പുവരുത്തേണ്ടതും പരാതികൾ ഒഴിവാക്കാൻ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതുമാണ്. [നമ്പർ. ബി3. 11904/98, തിരുവനന്തപുരം, 19-6-1998]

ജനന രജിസ്റ്ററിൽ കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനുള്ള നടപടി സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന രജിസ്റ്ററിൽ കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനുള്ള നടപടി സംബന്ധിച്ച്.

സൂചന: 1. ഈ ആഫീസിലെ 24.3.97-ലെ ബി1. 19048/95-ാം നമ്പർ സർക്കുലർ.

2. ഈ ആഫീസിലെ 27.3.1998-ലെ ബി2. 546/98-ാം നമ്പർ സർക്കുലർ.

മേൽ സൂചന ഒന്നിലെയും രണ്ടിലെയും സർക്കുലറുകളിൽ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടുള്ള യൂണിറ്റിന് പുറത്ത് താമസിക്കുന്ന കുട്ടികളുടെ പേര് ജനന രജിസ്ട്രേഷനിൽ ചേർക്കുന്നതിന് അപേക്ഷിക്കുമ്പോൾ അപേക്ഷകർ താമസിക്കുന്ന യൂണിറ്റിലെ ജനന മരണ രജിസ്ട്രാറിൽ നിന്നും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് വാങ്ങി ഹാജരാക്കണമെന്ന് നിഷ്കർഷിച്ചിരുന്നു. ടി നിർദ്ദേശം കുട്ടികളുടെ ജനന സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിന് വളരെ കൂടുതൽ കാലതാമസവും വിഷമങ്ങളും ഉണ്ടാകുന്നതായി പല ഗ്രാമപഞ്ചായത്ത് പ്രസിഡന്റുമാരും, സെക്രട്ടറിമാരും മറ്റ് പൊതുജനങ്ങളും ബഹുമാനപ്പെട്ട സർക്കാരിന്റെയും ചീഫ് രജിസ്ട്രാറുടെയും മുൻപാകെ പരാതിപ്പെട്ടിരിക്കുന്നു. ഈ പരാതിയിൽ സത്യമുണ്ടെന്നതിനാൽ പൊതുജനങ്ങളുടെ ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി കുട്ടി ജനിച്ചു ആറു വർഷം പൂർത്തിയാകുന്നതിനു മുമ്പ് കുട്ടിയുടെ പേര് ജനന രജിസ്ട്രേഷനിൽ ചേർക്കുന്നതിന് കുട്ടിയുടെ മാതാപിതാക്കൾ താമസിക്കുന്ന രജിസ്ട്രേഷൻ യൂണിറ്റിലെ രജിസ്ട്രാറിൽ നിന്നും ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് വാങ്ങി ഹാജരാക്കണമെന്ന നിബന്ധന ഒഴിവാക്കി ഉത്തരവാകുന്നു.

ഇത്തരം കേസുകളിൽ കുട്ടിയുടെ മാതാപിതാക്കളുടെ സംയുക്താപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടുള്ള യൂണിറ്റിലെ ജനന മരണ രജിസ്ട്രാർക്ക് ബോദ്ധ്യപ്പെട്ടാൽ പേര് ചേർക്കാവുന്നതാണ് എന്ന് അറിയിക്കുന്നു. [നം. ബി2 13987/98, തിരുവനന്തപുരം, 8.6.1998]

ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ സെക്ഷൻ 12 പ്രകാരം സർട്ടിഫിക്കറ്റ് - നൽകുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: 1969-ലെ ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ സെക്ഷൻ 12 പ്രകാരം സർട്ടിഫിക്കറ്റ് - നൽകുന്നത് സംബന്ധിച്ച്.

സൂചന: കേന്ദ്ര രജിസ്ട്രാർ ജനറലിന്റെ 7.12.98-ലെ 6.3.98-വി.എസ്. (സിആർഎസ്) നമ്പർ കത്ത്

1969 ലെ ജനനമരണ രജിസ്ട്രേഷൻ ആക്ടിലെ സെക്ഷൻ 12 പ്രകാരം ജനനമോ, മരണമോ രജിസ്റ്റർ ചെയ്തു കഴിഞ്ഞാലുടൻ തന്നെ സർട്ടിഫിക്കറ്റ് ഫീസൊന്നും ഈടാക്കാതെ തന്നെ നൽകേണ്ടതാണ്. കൂടാതെ ഈ ആഫീസിൽ നിന്നും വേണ്ട നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുള്ളതാണ്.

എന്നാൽ നിരവധി രജിസ്ട്രേഷൻ യൂണിറ്റുകൾ സെക്ഷൻ 12 അനുസരിച്ചുള്ള സർട്ടിഫിക്കറ്റ് നൽകുന്നില്ലെന്നും ആദ്യത്തെ ജനന മരണ സർട്ടിഫിക്കറ്റ് നൽകുന്നതിന് കാലവിളംബം ഉണ്ടാകുന്നതായും, ആയതിന് ഫീസ് ഈടാക്കുന്നതായും അറിയുന്നതായി രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യയുടെ സൂചന കത്തിൽ പറഞ്ഞിരിക്കുന്നു.

ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിലോ, റൂൾസിലോ നിർദ്ദേശിച്ചിട്ടില്ലാത്ത യാതൊരുവിധ ഫീസും ഈടാക്കുവാൻ പാടില്ലാത്തതും അപ്രകാരം ഫീസ് ഈടാക്കുന്ന നടപടി നിയമവിരുദ്ധവുമാണ്.

രജിസ്ട്രേഷൻ നടത്തി കഴിഞ്ഞാൽ സെക്ഷൻ 12 അനുസരിച്ചുള്ള സർട്ടിഫിക്കറ്റ് ഉടൻ തന്നെ വിവരം റിപ്പോർട്ടു ചെയ്യുന്ന വ്യക്തിക്ക് യാതൊരുവിധ ഫീസും ഈടാക്കാതെ തന്നെ ആദ്യ പ്രതി നൽകേണ്ടതാണ്.

ജനന മരണം സംബന്ധിച്ച വിവരങ്ങൾ റിപ്പോർട്ട് ചെയ്യുന്നത് സ്ഥാപനങ്ങളാണെങ്കിൽ ആയത് സ്ഥാപനങ്ങൾക്ക് തന്നെ നൽകുകയും സർട്ടിഫിക്കറ്റ് ബന്ധപ്പെട്ട കക്ഷികൾക്ക് നൽകുന്നതിനുള്ള നിർദ്ദേശം അപ്രകാരമുള്ള ..... രേഖാമൂലം നൽകേണ്ടതുമാണ്.

ജനന/മരണം സംബന്ധിച്ച് ആദ്യ സർട്ടിഫിക്കറ്റുകൾ ബന്ധപ്പെട്ടവരുടെ കൈകളിൽ എത്തുന്നുണ്ടെന്ന് ഉറപ്പുവരുത്തുവാൻ എല്ലാ രജിസ്ട്രാർമാരും പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതുമാണ്. [നമ്പർ.ബി2. 41853/98, തിരുവനന്തപുരം, തീയതി 23.12.98]

ആനുകാലികങ്ങൾ സമർപ്പിക്കുന്നതിലെ കാലതാമസം - ഒഴിവാക്കേണ്ടത് സംബന്ധിച്ച സർക്കുലർ

വിഷയം: ജനന-മരണ രജിസ്ട്രേഷൻ ആനുകാലികങ്ങൾ സമർപ്പിക്കുന്നതിലെ കാലതാമസം-ഒഴിവാക്കേണ്ടത് സംബന്ധിച്ച്.

സൂചന:

ജനന-മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ചുള്ള ആനുകാലികങ്ങൾ യഥാസമയം ലഭിക്കാത്തതു കാരണം 1994 മുതലുള്ള വിവിധ റിപ്പോർട്ടുകൾ തയ്യാറാക്കുവാൻ കഴിയാതെ വന്നിരിക്കുന്നു. പ്രസ്തുത റിപ്പോർട്ടുകൾ യഥാസമയം തയ്യാറാക്കി രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യക്ക് സമർപ്പിക്കേണ്ടവയാണ്. കേരള സംസ്ഥാനത്തിലെ സ്ഥിതി വിവരക്കണക്കുകൾ ലഭിക്കുന്നതിനുള്ള അടിയന്തിര നടപടികൾ സ്വീകരിക്കുവാൻ രജിസ്ട്രാർ ജനറൽ നിർദ്ദേശിച്ചിരിക്കുകയാണ്. ആയതിനാൽ ജനനമരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ചുള്ള ആനുകാലികങ്ങൾ തയ്യാറാക്കി അയക്കുന്നതിൽ താഴെ പറയുന്ന നിർദ്ദേശങ്ങൾ എല്ലാ രജിസ്ട്രാർമാരും കർശനമായി പാലിക്കേണ്ടതാണ്.

അഡ്വാൻസ് സമ്മറി ഫിഗേഴ്സ് വാർഷിക റിപ്പോർട്ട്, ജനന മരണ രജിസ്ട്രേഷൻ കാർഡ് എന്നിവയിലെ വിവരങ്ങൾ പരസ്പര ബന്ധമില്ലാത്ത രീതിയിൽ ചില രജിസ്ട്രാർമാർ രേഖപ്പെടുത്തിയിരിക്കുന്നത് നിമിത്തം ശരിയായ രീതിയിൽ തയ്യാറാക്കുന്നതിനു സാധിക്കാതെ വരുന്നു. ആയതിനാൽ ഓരോ ആനുകാലികങ്ങളും വളരെ ശ്രദ്ധയോടെ രേഖകൾ പരിശോധിച്ച് തയ്യാറാക്കേണ്ടതാണ്.

ശിശു 5 വയസ്സുവരെയുള്ള മരണങ്ങളുടെ എണ്ണം എത്ര എന്ന് അഡ്വാൻസ് സമ്മറി ഫിഗേഴ്സിലും വാർഷിക റിപ്പോർട്ടിലെ ഫോറം 1-ൽ റിമാർക്സ് കോളത്തിലും രേഖപ്പെടുത്തേണ്ടതാണ്.

ഗ്രാമ പഞ്ചായത്തുകളിൽ അഡ്വാൻസ് സമ്മറി ഫിഗേഴ്സ് ഓരോ മാസവും 5-ാം തീയതി അതാത് പഞ്ചായത്ത് അസിസ്റ്റന്റ് ഡയറക്ടർമാർക്ക് അയക്കേണ്ടതും അവർ ആയതിന്റെ സമഗ്ര റിപ്പോർട്ട് 10-ാം തീയതിക്ക് മുമ്പായി അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്കും, ചീഫ് രജിസ്ട്രാർക്കും അയച്ചുതരേണ്ടതുമാണ്.

നഗരസഭക്കും കോർപ്പറേഷനുകളും കന്റോൺമെന്റും, ഗ്രാമപഞ്ചായത്തുകളും നിശ്ചിത നിറത്തിലുള്ള കാർഡുകളിൽ ജനന-മരണ രജിസ്റ്ററുകളിൽ നിന്നുമുള്ള വിവരങ്ങൾ തെറ്റുകൾ വരാത്ത രീതിയിൽ വ്യക്തമായി വിവരങ്ങൾ രേഖപ്പെടുത്തേണ്ടതും, പ്രസ്തുത കാർഡുകൾ എല്ലാമാസവും 10-ാം തീയതിക്കു മുമ്പായി അഡീഷണൽ ചീഫ് രജിസ്ട്രാർ അഡിഷണൽ ഡയറക്ടർ (വി.എസ്. ഡിവിഷൻ) എക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സ് ഡിപ്പാർട്ട്മെന്റ്, വികാസ് ഭവൻ, തിരുവനന്തപുരം എന്ന വിലാസത്തിൽ അയച്ചുകൊടുക്കേണ്ടതും, പ്രസ്തുത വിവരം ചീഫ് രജിസ്ട്രാറെ അറിയിക്കേണ്ടതുമാണ്. കുടിശിഖയുള്ള കാർഡുകൾ അടിയന്തിരമായി തയാറാക്കി അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്കു അയച്ചുകൊടുക്കേണ്ടതാണ്.

വാർഷിക റിപ്പോർട്ടുകൾ നിശ്ചിത 1 മുതൽ 6 വരെയുള്ള ഫാറങ്ങളിൽ തന്നെ തയ്യാറാക്കേണ്ടതും അതാതു വർഷത്തെ വാർഷിക റിപ്പോർട്ടുകൾ തൊട്ടടുത്ത വർഷം ജനുവരി 31-ാം തീയതിക്കകം തന്നെ നഗരസഭകളും, കോർപ്പറേഷനുകളും കന്റോൺമെന്റും ചീഫ് രജിസ്ട്രാർക്ക് സമർപ്പിക്കേണ്ടതാണ്.

ഗ്രാമപഞ്ചായത്തുകൾ ഓരോ വർഷത്തേയും വാർഷിക റിപ്പോർട്ടുകൾ തൊട്ടടുത്ത വർഷം ജനുവരി 15-ാം തീയതിക്കകം പഞ്ചായത്ത് അസിസ്റ്റന്റ് ഡയറക്ടർക്ക് അയച്ചുകൊടുക്കേണ്ടതും, അവർ ആയതിന്റെ സമഗ്ര റിപ്പോർട്ട് ജനുവരി 31-ാം തീയതിക്കകം തന്നെ ചീഫ് രജിസ്ട്രാർക്ക് അയച്ചുതരേണ്ടതാണ്.

1995, 1996, 1997 എന്നീ വർഷങ്ങളിൽ അതാതു രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നടന്ന ശിശു മരണങ്ങൾ എത്രയെന്നുള്ള വിവരം അടിയന്തിരമായിതന്നെ നഗരസഭകളും, കോർപ്പറേഷനുകളും, കന്റോൺമെന്റും ചീഫ് രജിസ്ട്രാർക്ക് അയച്ചുതരേണ്ടതാണ്. ഗ്രാമപഞ്ചായത്തുകൾ പ്രസ്തുത വിവരങ്ങൾ തയ്യാറാക്കി ബന്ധപ്പെട്ട അസിസ്റ്റന്റ് ഡയറക്ടർമാർക്കും അയച്ചുകൊടുക്കുകയും, പഞ്ചായത്ത് അസിസ്റ്റന്റ് ഡയറക്ടർമാർ ആയതിന്റെ സമഗ്ര റിപ്പോർട്ട് ചീഫ് രജിസ്ട്രാർക്കും അയച്ചുതരേണ്ടതുമാണ്.

ജനന-മരണ രജിസ്ട്രേഷൻ 100% ലക്ഷ്യം നേടുന്നതിനുള്ള പ്രവർത്തനങ്ങൾ വിജയപ്രദമാക്കുന്നതിന് എല്ലാ രജിസ്ട്രാർമാരുടേയും സഹകരണമുണ്ടാവണമെന്നും അഭ്യർത്ഥിക്കുന്നു. [ബി1. 12310/98, തിരുവനന്തപുരം, തീയതി 15.6.1998]

ജനന മരണ രജിസ്ട്രേഷൻ - 100% ലക്ഷ്യം നേടുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ - 100% ലക്ഷ്യം നേടുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ സംബന്ധിച്ച്

സൂചന: ചീഫ് രജിസ്ട്രാർമാരുടെ 12.9.1997-ലെ സമ്മേളനം

കേരള സംസ്ഥാനം ഇതിനാൽ തന്നെ 100% ജനങ്ങളുടെയും രജിസ്ട്രേഷൻ എന്ന ലക്ഷ്യം നേടി കഴിഞ്ഞു. എന്നാൽ മരണങ്ങളുടെ രജിസ്ട്രേഷൻ കാര്യത്തിൽ 88% നേടാൻ മാത്രമേ നമുക്ക് കഴിഞ്ഞിട്ടുള്ളൂ. മരണ രജിസ്ട്രേഷനിൽ കാണുന്ന കുറവ് മുഖ്യമായും ശിശുമരണങ്ങൾ നടക്കുന്നത് മുഴുവൻ തന്നെ രജിസ്ട്രേഷൻ നടത്താത്തത് മൂലമാണെന്ന് കാണുന്നു. കേരളത്തിൽ നടക്കുന്ന ശിശു മരണങ്ങളിൽ 70%ന്, താഴെ മാത്രമാണ് രജിസ്റ്റർ ചെയ്യപ്പെടുന്നത്.

മരണ രജിസ്ട്രേഷന്റെ കാര്യത്തിൽ 100% ലക്ഷ്യം നേടുന്നതിലേക്കായി സമയബന്ധിതമായി തന്നെ നടപടികൾ സ്വീകരിക്കേണ്ടതുണ്ട്. താങ്കളുടെ രജിസ്ട്രേഷൻ അതിർത്തിക്കുള്ളിൽ നടക്കുന്ന എല്ലാ ശിശു മരണങ്ങളും രജിസ്റ്റർ ചെയ്യപ്പെടുന്നതിലേക്കായുള്ള പ്രവർത്തനങ്ങളിൽ പ്രാഥമിക ആരോഗ്യ കേന്ദ്രത്തിലെയും, അംഗൻവാടിയിലെയും പ്രവർത്തകരുടെ സേവനവും സഹകരണവും പരമാവധി പ്രയോജനപ്പെടുത്തേണ്ടതാണ്. ഇക്കാര്യത്തിൽ ആരോഗ്യ വകുപ്പ് ഡയറക്ടർ 2.7.1997-ലെ സ്റ്റാറ്റിസ്റ്റിക്സ് 43165/97/ഡി.എച്ച്.എസ്. സർക്കുലറിലൂടെ ആവശ്യമായ നിർദ്ദേശങ്ങൾ പ്രസ്തുത വിഭാഗങ്ങൾക്ക് നൽകിയിട്ടുണ്ട്.

കൂടാതെ ശിശുമരണ രജിസ്ട്രേഷന്റെ പ്രാധാന്യം എല്ലാ മേഖലയിലുമുള്ളവരെയും ബോധ്യപ്പെടുത്തുന്നതിലേക്ക് ആവശ്യമായ പ്രവർത്തനങ്ങളും പ്രചരണങ്ങളും നടത്തേണ്ടതാണ്. ഗ്രാമസഭകളിൽ അക്കാര്യങ്ങൾ ഉൾക്കൊള്ളിച്ചുകൊണ്ടുള്ള നോട്ടീസുകൾ വിതരണം ചെയ്തും പ്രചാരണ നോട്ടീസുകളും മറ്റും പ്രവർത്തനങ്ങൾ ഊർജ്ജിതപ്പെടുത്തുന്നതാണ്. 100% ശിശുമരണങ്ങളും രജിസ്റ്റർ ചെയ്യുന്നതിന് പൊതുപങ്കാളിത്തം ഉറപ്പുവരുത്തേണ്ടതാണ്. കൂടാതെ എല്ലാ ജനന-മരണ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലും ഇക്കാര്യം രേഖപ്പെടുത്തിയ ബാനർ പ്രദർശിപ്പിക്കേണ്ടതാണ്. [നം. ബി2. 38820/96, തിരുവനന്തപുരം, 10.3.98]

ജനന മരണ രജിസ്ട്രേഷൻ - പുതിയ രീതി നടപ്പാക്കുന്നത് - സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ - 1-1-2000 മുതൽ പുതിയ രീതി നടപ്പാക്കുന്നത് - സംബന്ധിച്ച്

സൂചന:

1-1-2000 മുതൽ പുതുക്കിയ രീതിയിലുള്ള ജനന-മരണ രജിസ്ട്രേഷൻ നടപ്പാക്കുന്നത് സംബന്ധിച്ച് 15-12-99 ൽ തിരുവനന്തപുരത്ത് വച്ചുനടന്ന ജില്ലാ രജിസ്ട്രാറന്മാരുടെ സംസ്ഥാനതല ശില്പശാലയിലെ ശുപാർശകളുടെ അടിസ്ഥാനത്തിൽ താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1-1-2000 മുതൽ ജനനം, മരണം, നിർജീവ ജനനം എന്നിവ രജിസ്റ്റർ ചെയ്യുന്നതിനുവേണ്ടി പുതുതായി നിശ്ചയിച്ചിട്ടുള്ള 1 മുതൽ 3 വരെയുള്ള ഫാറങ്ങൾ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ നേരിട്ടല്ലാതെ ആശുപത്രികൾ/മറ്റ് സ്ഥാപനങ്ങൾ എന്നിവ മുഖേന സമർപ്പിക്കപ്പെടുമ്പോൾ അതിൽ വിവരം നല്കുന്ന വ്യക്തിയുടെ ഒപ്പു/വിരലടയാളത്തിന് പുറമേ ആശുപത്രി സ്ഥാപനങ്ങളിലെ ബന്ധപ്പെട്ടവരുടെ മേലൊപ്പും കൂടി രേഖപ്പെടുത്തി വാങ്ങുന്നതിന് എല്ലാ ജനന-മരണ രജിസ്ട്രാർമാരും ശ്രദ്ധിക്കേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുന്നു.

2) കൂടാതെ ജനന-മരണ രജിസ്ട്രേഷൻ ഫാറങ്ങളിൽ, ജനിക്കുന്ന /മരണപ്പെടുന്ന ആളിന്റെ പേര് പ്രാദേശിക ഭാഷയ്ക്ക് പുറമേ ഇംഗ്ലീഷിലും കൂടി രേഖപ്പെടുത്തി വാങ്ങേണ്ടതാണെന്നും നിർദ്ദേശിക്കുന്നു. [തിരുവനന്തപുരം 18-12-99]

ജനന-മരണ രജിസ്ട്രേഷൻ - കുട്ടിയുടെയും മാതാപിതാക്കളുടെയും പേരും മേൽവിലാസവും തിരുത്തുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന-മരണ രജിസ്ട്രേഷൻ - ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെയും മരണ രജിസ്ട്രേഷനിൽ മരണപ്പെട്ടയാളുടെയും മാതാപിതാക്കളുടെയും പേരും മേൽവിലാസവും തിരുത്തുന്നത്.

സൂചന: ഈ ആഫീസിലെ 5.10.98 ലെ ബി2 35424/98-ാം നമ്പർ സർക്കുലർ

ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെയും മരണരജിസ്ട്രേഷനിൽ മരണപ്പെട്ടയാളുടെയും, മാതാപിതാക്കളുടെയും, പേരിൽ വന്നിട്ടുള്ള അക്ഷര തെറ്റുകൾ, വീട്ടിൽ വിളിക്കുന്ന ഓമനപ്പേര് എന്നിവ തിരുത്തുന്നതിന് നിലവിൽ ചീഫ് രജിസ്ട്രാറുടെ അനുമതി ആവശ്യമാണ്. ഇത് പൊതുജനങ്ങൾക്ക് വളരെയധികം ബുദ്ധിമുട്ടുകൾ ഉണ്ടാക്കുന്നതായി മനസ്സിലാക്കുന്നു. ആയതിനാൽ പ്രസ്തുത അധികാരം താഴെ പറയുന്ന നിബന്ധനകൾക്ക് വിധേയമായി അതാത് ജനന മരണ രജിസ്ട്രാർമാർക്ക് തന്നെ നൽകി ഇതിനാൽ ഉത്തരവാകുന്നു.

മാതാപിതാക്കളുടെ വിളി പേരാണ് രജിസ്റ്ററിൽ ചേർത്തിരിക്കുന്നതെങ്കിൽ ആയത് സ്കൂൾ രേഖയുടെയും, അന്വേഷണത്തിന്റെയും അടിസ്ഥാനത്തിൽ 'സ്കൂൾ രേഖയിലേക്കു പോലെ' തിരുത്താവുന്നതാണ്. സ്കൂൾ രേഖ ലഭ്യമല്ലെന്നു ബോധ്യപ്പെട്ടാൽ ആധാരം, പെൻഷൻ പേയ്മെന്റ് ഓർഡർ, ഗവൺമെന്റ് സർവ്വീസിൽ ജോലി ചെയ്യുന്നവർക്ക് അവിടെനിന്നും ലഭിക്കുന്ന സർട്ടിഫിക്കേറ്റ്, സമ്മതിദായക പട്ടിക, റേഷൻ കാർഡ് എന്നീ രേഖകളുടെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ വരുത്താവുന്നതാണ്.

ജനനം നടക്കുമ്പോൾ മാതാപിതാക്കൾ താമസിക്കുന്ന വിലാസമാണ് ജനന രജിസ്ട്രേഷനിൽ രേഖപ്പെടുത്തേണ്ടത്. ഇത് വേറൊരു വിലാസമായി മാറ്റുവാൻ പാടില്ല. എന്നാൽ വിലാസത്തിലുള്ള അക്ഷരത്തെറ്റുകളും, കുട്ടിയുടെ ജനന സമയത്ത് മാതാപിതാക്കൾ താമസിച്ചിരുന്ന വിലാസത്തിന്റെ ഏതെങ്കിലുമൊരു ഭാഗം വിട്ടുപോയിട്ടുണ്ടെങ്കിലോ - അധികമായി ചേർത്തിട്ടുണ്ടെങ്കിലോ ആയതു കൂട്ടിച്ചേർക്കുവാനും അധികമായി ചേർത്തിട്ടുള്ളത് നീക്കം ചെയ്യുന്നതിനും മാത്രമേ അധികാരമുള്ളൂ. മറ്റു തിരുത്തലുകൾ - അനുവദനീയമല്ല.

ഇപ്രകാരം വരുത്തുന്ന തിരുത്തലുകൾ സംബന്ധിച്ചുള്ള രജിസ്ട്രാറുടെ നടപടിക്രമങ്ങൾ പ്രത്യേകം ഫയലിൽ സൂക്ഷിക്കേണ്ടതും പരിശോധന സമയത്ത് പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ മുമ്പിൽ ഹാജരാക്കേണ്ടതുമാണ്. കൂടാതെ ഏതെങ്കിലും രേഖകളുടെ അടിസ്ഥാനത്തിലാണ് തിരുത്തൽ വരുത്തിയതെന്നുള്ള വിവരം രജിസ്റ്ററിൽ 'റിമാർക്സ്' കോളത്തിൽ രേഖപ്പെടുത്തേണ്ടതുമാണ്.

പൊതു ജനങ്ങളുടെ ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി നിർദ്ദേശിച്ചിട്ടുള്ള ഈ നടപടി ദുർവിനിയോഗം ചെയ്യാതിരിക്കുവാൻ രജിസ്ട്രാർമാർ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണ്. [ബി2 5508/99, തിരുവനന്തപുരം, തീയതി 3-3-1999]

ജനനതീയതിയിൽ വ്യത്യാസമുള്ള കേസുകളിൽ പേരു ചേർക്കുന്നതിന് ജില്ലാ രജിസ്ട്രാർമാരെ അധികാരപ്പെടുത്തുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനനമരണ രജിസ്ട്രേഷൻ - ജനനതീയതിയിൽ വ്യത്യാസമുള്ള കേസുകളിൽ പേരു ചേർക്കുന്നതിന് ജില്ലാ രജിസ്ട്രാർമാരെ അധികാരപ്പെടുത്തുന്നത് സംബന്ധിച്ച്

സൂചന: 16/4/99-ലെ ഇന്റർ ഡിപ്പാർട്ട്മെന്റൽ - കമ്മിറ്റിയുടെ 10-ാം നമ്പർ തീരുമാനം

ജനന രജിസ്ട്രേഷനിലെയും സ്കൂൾ രേഖയിലേയും ജനനത്തീയതിയിൽ ആറുമാസത്തിൽ കൂടുതൽ വ്യത്യാസമുണ്ടെങ്കിൽ ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേര് ചേർക്കുവാൻ നിലവിൽ ചീഫ് രജിസ്ട്രാറുടെ അനുമതി ആവശ്യമാണ്. ഇക്കാര്യത്തിൽ ജനങ്ങൾ നേരിട്ടുവരുന്ന ബുദ്ധിമുട്ടികൾ പരിഹരിക്കുന്നതിലേക്കായി 1/4/1970 ന് ശേഷമുള്ള ജനന രജിസ്ട്രേഷനുകളിൽ, ജനനരജിസ്ട്രേഷനിലും സ്ക്കൂൾ രേഖയിലും കുട്ടിയുടെ ജനനത്തീയതിയിൽ ആറുമാസത്തിൽ കൂടുതൽ വ്യത്യാസമുള്ള സംഗതികളിൽ കുട്ടിയുടെ പേര് ചേർക്കുന്നതിനുള്ള അനുവാദം നൽകുന്നതിന് ജനനമരണജില്ലാ രജിസ്ട്രാർമാർക്ക് ഇതിനാൽ അധികാരം നൽകി ഉത്തരവാകുന്നു.

ഇപ്രകാരം പേര് ചേർക്കുന്നതിന് അപേക്ഷ സമർപ്പിക്കുമ്പോൾ സ്ഥലം രജിസ്ട്രാർ അന്വേഷണ റിപ്പോർട്ടും ശുപാർശയും ജനനക്രമ സ്റ്റേറ്റ്മെന്റും, സ്ക്കൂൾ രേഖയുടെ ശരിപ്പകർപ്പും ജനന രജിസ്ട്രാറിന്റെ ശരിപ്പകർപ്പും ജില്ലാ രജിസ്ട്രാർക്കുള്ള അപേക്ഷയോടൊപ്പം അയച്ചുകൊടുക്കേണ്ടതാണ്. ജില്ലാ രജിസ്ട്രാറുടെ ഉത്തരവ് പ്രകാരം നടപടി സ്വീകരിച്ച് വിവരം (ഉത്തരവ്, നമ്പർ, തീയതി എന്നിവ) റിമാർക്സ് കോളത്തിൽ രേഖപ്പെടുത്തേണ്ടതും പരിശോധനാസമയത്ത്, പ്രസ്തുത ഉത്തരവുകൾ പരിശോധനയ്ക്കായി നൽകേണ്ടതുമാണ്.

എന്നാൽ 1/4/1970 ന് മുമ്പുള്ള ജനനരജിസ്ട്രേഷനുകളിൽ കുട്ടിയുടെ പേര് ചേർക്കുവാൻ ചീഫ് രജിസ്ട്രാറുടെ അനുവാദം വാങ്ങിയിരിക്കേണ്ടതാണ്. [തിരുവനന്തപുരം, തീയതി 30/6/1999]

ജനന മരണ രജിസ്ട്രേഷൻ ഫോറത്തിന്റെ സ്റ്റാറ്റിസ്റ്റിക്കൽ ഭാഗം അയക്കുന്നതു സംബന്ധിച്ച് സർക്കുലർ

സർ,

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ ഫോറത്തിന്റെ സ്റ്റാറ്റിസ്റ്റിക്കൽ ഭാഗം അയക്കുന്നതു സംബന്ധിച്ച്.

സൂചന: അസി. ചീഫ് രജിസ്ട്രാറിന്റെ (ജനനം-മരണം) 10.5.2000, 16.5.2000 എന്നീ തീയതികളിലെ വി.എസ്. 04504/2000/ഡി.ഇ.എസ്. നമ്പർ കത്ത്

ജനന മരണ നിർജീവ രജിസ്ട്രേഷൻ ഫോറത്തിന്റെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് ഓരോ മാസവും കഴിഞ്ഞാലുടനെതന്നെ അഡീ. ഡയറക്ടർ, എക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സിന് ഏൽപ്പിക്കണമെന്ന് നിർദ്ദേശിച്ചിട്ടുണ്ടെങ്കിലും ആയത് കൃത്യമായി പാലിച്ചുകാണുന്നില്ല. ഇതുമൂലം രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യക്ക് വാർഷിക സ്റ്റാറ്റിസ്റ്റിക്കിൽ റിപ്പോർട്ട് സമർപ്പിക്കുവാൻ കാലതാമസം നേരിടുന്നു. ആയതുകൊണ്ട്

ജനന മരണ നിർജീവ രജിസ്ട്രേഷൻ ഫോറത്തിന്റെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് എല്ലാ മാസവും ഒന്നാം തീയതി തന്നെ അഡീ. ഡയറക്ടർ ഓഫ് എക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സിന് അയക്കേണ്ടതും വിവരം ഈ ഓഫീസിൽ അറിയിക്കേണ്ടതുമാണ് എന്ന് നിർദ്ദേശിക്കുന്നു. ഇതുകൂടാതെ പല പഞ്ചായത്തുകളും ജനനമരണ രജിസ്ട്രേഷൻ ഫാറത്തിന്റെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടിന് പകരം ലീഗൽ പാർട്ട് തെറ്റായി പ്രസ്തുത ആഫീസിലേക്ക് അയക്കുന്നതായി കണ്ടെത്തിയിരിക്കുന്നു. ഇത് പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണെന്ന് അറിയിക്കുന്നു. 2000 ജനുവരി മുതൽ മെയ്മാസം വരെയുള്ള റിപ്പോർട്ട് ഉടനെ അയക്കുന്നതിനും നിർദ്ദേശിക്കുന്നു. [ബി1. 6366/2000, എറണാകുളം, തീയതി 29-6-2000]

ജനന മരണ കാർഡുകൾ അയക്കുന്നതു സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: 1999 വർഷത്തെ ജനന മരണ കാർഡുകൾ അയക്കുന്നതു സംബന്ധിച്ച്.

സൂചന: 1. അഡീഷണൽ ചീഫ് രജിസ്ട്രാറുടെ വി.എസ്. 7617/2000/ഡി.ഇ.എസ്. നമ്പർ കത്ത്

2. പഞ്ചായത്ത് ഡയറക്ടറുടെ 9.6.2000 ലെ ബി2 16822/2000-ാം നമ്പർ കത്ത്.

സിവിൽ രജിസ്ട്രേഷൻ സിസ്റ്റത്തിന്റെ പുന: ഘടനയിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. ജനുവരി1, 2000 മുതലുള്ള രജിസ്ട്രേഷനെ സംബന്ധിച്ച സ്റ്റാറ്റിസ്റ്റിക്കൽ ഭാഗം വേർപെടുത്തി ഫെബ്രുവരി ഒന്നാം തീയതിയും തുടർന്നുള്ള മാസങ്ങളിലെ റിട്ടേൺസ് അടുത്തമാസം ഒന്നാം തീയതിയും ഇക്കണോമിക്സ്/സ്റ്റാറ്റിസ്റ്റിക്സ് ഡയറക്ടറേറ്റിൽ അയക്കണമെന്ന നിർദ്ദേശവും ഓർമ്മിപ്പിക്കുന്നു. കൃത്യമായി ഫാറങ്ങളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടും അഡ്വാൻസ് സമ്മറി വിവരങ്ങളും സ്റ്റാറ്റിസ്റ്റിക്സ് ഡയറക്ടറേറ്റിൽ ലഭിച്ചാൽ മാത്രമേ രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യയ്ക്ക് മാനുവൽ അനുശാസിക്കുന്ന വിധത്തിൽ റിപ്പോർട്ടുകൾ നൽകുവാൻ ആ വകുപ്പിന് കഴിയൂ.

1999 വർഷത്തെ 1/99 മുതൽ 12/99 വരെയുള്ള മാസങ്ങളിലെ ജനന മരണ നിർജീവ ജനന കാർഡുകൾ ഭൂരിഭാഗം പഞ്ചായത്തുകളും ഇനിയും ടി ഓഫീസിലേക്ക് അയച്ചിട്ടില്ലെന്നും തന്നിമിത്തം 1999-ലെ റിപ്പോർട്ടുകൾ രജിസ്ട്രാർ ജനറലിന് അയക്കുവാൻ കഴിഞ്ഞിട്ടില്ലെന്നും സൂചന കത്തുകൾ പ്രകാരം അറിയിച്ചിരിക്കുന്നു. ഇനിയും ഇക്കാര്യത്തിൽ അമാന്തം വരുത്താതെ 1999 ലെ കുടിശ്ശികയുള്ള എല്ലാ കാർഡുകളും മടക്കത്തപാലിൽതന്നെ ഡയറക്ടർ ഓഫ് ഇക്കണോമിക്സ് ആന്റ് സ്റ്റാറ്റിസ്റ്റിക്സിൽ അയച്ചുകൊടുക്കുകയും വിവരം ഈ ഓഫീസിൽ അറിയിക്കുകയും വേണം. ഇനിയും ഇക്കാര്യത്തിൽ വരുത്തുന്ന വീഴ്ചയ്ക്ക് ബന്ധപ്പെട്ട സെക്രട്ടറിമാർ തന്നെ വ്യക്തിപരമായി ഉത്തരവാദികളായിരിക്കുമെന്നും അറിയിക്കുന്നു.

കൂടാതെ 2000-ാം വർഷത്തെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് (2000 ജനുവരി മുതൽ മെയ് വരെയുള്ളത്) 30.6.2000 നു മുമ്പ് അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്കു അയക്കേണ്ടതും വിവരം ഈ ആഫീസിലേക്ക് അറിയിക്കേണ്ടതുമാകുന്നു. വ്യക്തമായ നിർദ്ദേശങ്ങൾ നൽകിയിട്ടും ടി റിപ്പോർട്ടുകൾ യഥാസമയം സമർപ്പിക്കാതിരുന്നതിനുള്ള താങ്കളുടെ വിശദീകരണവും സമർപ്പിക്കേണ്ടതാണ്. [ബി1 7054/2000, എറണാകുളം. തീയതി 28/6/2000]

ആർ.ഡി.ഒ. മാരിൽ നിന്നും അനുവാദം വാങ്ങി ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: പഞ്ചായത്ത് ഡിപ്പാർട്ട്മെന്റ് - ആർ.ഡി.ഒ. മാരിൽ നിന്നും അനുവാദം വാങ്ങി ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നത് - സംബന്ധിച്ച്.

സൂചന: പഴയകുന്നുമ്മേൽ ഗ്രാമപഞ്ചായത്ത് സെക്രട്ടറിയുടെ 28.4.2001-ലെ എ2 20/2000 നമ്പർ കത്ത്.

ജനനമരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച്/സെക്ഷൻ 13(3) അനുസരിച്ച് താമസിച്ചുള്ള ജനന മരണ രജിസ്ട്രേഷനുള്ള അനുവാദം നൽകി ഉത്തരവാകുമ്പോൾ ടി ഉത്തരവിനോടൊപ്പം ഫാറം നമ്പർ ഒന്നും രണ്ടും കൂടി അതാതു രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ തിരികെ അയച്ചുകൊടുക്കണമെന്ന് താല്പര്യപ്പെടുന്നു. ടി രജിസ്ട്രേഷൻ ഫാറങ്ങൾ തന്നെയാണ് അതാതു രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ജനനമരണ രജിസ്റ്ററാക്കി ബയന്റു ചെയ്ത് സൂക്ഷിക്കേണ്ടത്. ആയതിനാൽ ടി ഫാറങ്ങൾ രജിസ്ട്രേഷൻ യൂണിറ്റുകൾക്ക് തിരികെ നൽകേണ്ടത് വളരെ അത്യാവശ്യമാണ് എന്നു കൂടി അറിയിക്കുന്നു. [നമ്പർ. ബി1 12413/2001, തിരുവനന്തപുരം, തീയതി 8-6-2001]

ദത്തെടുക്കപ്പെടുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനും സർട്ടിഫിക്കറ്റ് നൽകുന്നതും സംബന്ധിച്ച് സർക്കുലർ

പഞ്ചായത്ത് ഡയറക്ടറുടെ 5-10-99-ലെ ബി2 29772/99 നമ്പർ സർക്കുലറിന്റെ ശരിപ്പകർപ്പ്

വിഷയം: ദത്തെടുക്കപ്പെടുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനും, ദത്തെടുക്കുന്നവരുടെ പേരും മറ്റും ചേർത്തു ജനന സർട്ടിഫിക്കറ്റ് നൽകുന്നതും സംബന്ധിച്ച മാർഗ്ഗ നിർദ്ദേശങ്ങൾ.

സൂചന: 1. കേന്ദ്ര രജിസ്ട്രാർ ജനറലിന്റെ 14-7-99-ലെ 1-2-88 വി.എസ്. നമ്പർ കത്ത്
2. കേരള സർക്കാരിന്റെ 26.11.97-ലെ 47797/സി1/97/തദ്ദേ നമ്പർ സർക്കുലർ

ഉപേക്ഷിക്കപ്പെട്ട് ഓർഫനേജിലും, ശിശു സംരക്ഷണ ഏജൻസികളിലും മറ്റും കഴിയുന്ന കുട്ടികളെ ദത്തെടുക്കപ്പെടുമ്പോൾ പ്രസ്തുത കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ നടത്തുന്നതും, സർട്ടിഫിക്കറ്റ് നൽകുന്നതും സംബന്ധിച്ച് ശ്രീ. പി.എൻ. ഭഗവതി (മുൻ ചീഫ് ജസ്റ്റിസ്) ചെയർമാനായുള്ള ടാസ്കു ഫോഴ്സ് 1993ൽ കേന്ദ്ര ഗവൺമെന്റിനു സമർപ്പിച്ചിരുന്ന റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ പുതുക്കിയ മാർഗ്ഗനിർദ്ദേശങ്ങൾ നൽകിയിരിക്കുന്നു. ആയതിന്റെ പ്രസക്ത ഭാഗങ്ങൾ ചുവടെ ചേർക്കുന്നു.

1) ദത്തെടുക്കുന്ന കുട്ടിയുടെ ജനനം രജിസ്റ്റർ ചെയ്യുന്നതിലേക്കായി ടി കുട്ടിയുടെ സംരക്ഷണം വഹിക്കുന്ന ഏജൻസിയിലെ ഉത്തരവാദിത്വപ്പെട്ടവർ സ്ഥലം മജിസ്ട്രേറ്റിന് സത്യവാങ്മൂലത്തിന്റെ മാതൃകയിലുള്ള അപേക്ഷയാണ് സമർപ്പിക്കേണ്ടത്.

2) അപ്രകാരം അപേക്ഷ സമർപ്പിക്കുമ്പോൾ കുട്ടിയുടെ വയസ്സ് സംബന്ധിച്ച് അതാതു ജില്ലയിലെ ജില്ലാ മെഡിക്കൽ ഓഫീസറുടെ സാക്ഷ്യപത്രവും ഹാജരാക്കേണ്ടതാണ്.

3) ടി രേഖകളുടെ അടിസ്ഥാനത്തിൽ മജിസ്ട്രേറ്റ് ജനന സർട്ടിഫിക്കറ്റിൽ രേഖപ്പെടുത്തേണ്ട വിവരങ്ങൾ അംഗീകരിച്ചുകൊണ്ടുള്ള ഉത്തരവ് ബന്ധപ്പെട്ട (കുട്ടിയെ ലഭിച്ച സ്ഥലത്തെ) ജനനമരണ രജിസ്ട്രാർക്കു നൽകേണ്ടതും അതനുസരിച്ച് രജിസ്ട്രാർ ജനനം രജിസ്റ്റർ ചെയ്തു സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതുമാണ്.

4) ദത്തെടുക്കുന്ന രക്ഷകർത്താക്കളുടെ വിവരങ്ങൾ കൂടി രജിസ്ട്രേഷനിൽ ഉൾപ്പെടുത്തക്കവിധത്തിൽ ദത്തെടുക്കൽ നടപടി പൂർത്തീകരിക്കുന്നതിനോടൊപ്പം തന്നെ നിർവഹിക്കേണ്ടതാണ്.

5) എന്നാൽ കുട്ടിയ്ക്ക് മൂന്ന് വയസ്സ് പൂർത്തിയാവുകയും ദത്തെടുക്കൽ നടപടി പൂർത്തീകരിക്കാതിരിക്കുകയും, ടി ഏജൻസിക്ക് കുട്ടിയുടെ ജനന സർട്ടിഫിക്കറ്റ് ആവശ്യമായി വരികയും ചെയ്യുന്ന സാഹചര്യത്തിൽ താഴെ പറയുന്ന വിവരങ്ങൾ ഉൾക്കൊള്ളുന്ന സത്യവാങ്മൂലം മജിസ്ട്രേട്ടിന്റെ (ആർ.ഡി.ഒ.) അറിയിച്ച് സർട്ടിഫിക്കറ്റ് ലഭ്യമാക്കാവുന്നതാണ്.

ആയതിലേക്കായി

എ) അറിവിൽപ്പെട്ടിടത്തോളം കുട്ടിയ്ക്ക് മൂന്ന് വയസ്സായിട്ടുണ്ടെന്നും,

ബി) കുട്ടിയുടെ ദത്തെടുക്കൽ നടപടി ആയിട്ടില്ലായെന്നും, ആയതിനു ഇനിയും സമയം എടുത്തേക്കുമെന്നതു സംബന്ധിച്ചും

സി) കുട്ടിയുടെ വിദ്യാഭ്യാസം/വൈദ്യം/നിയമം മറ്റേതെങ്കിലും ന്യായമായ ആവശ്യത്തിനാണ് സർട്ടിഫിക്കറ്റ് വേണ്ടതെന്നത് സംബന്ധിച്ചുമുള്ള വിവരങ്ങൾ മജിസ്ട്രേട്ടിനെ ധരിപ്പിക്കേണ്ടതാണ്.

ഡി) കുട്ടി മേജർ ആകുന്നതുവരെയോ ദത്തെടുക്കപ്പെടുന്നതുവരേയോ (ഏതാണ് ആദ്യം സംഭവിക്കുന്നത് എന്നതുവരെ) കുട്ടിയടെ രക്ഷകർത്താവ് ടി ഏജൻസിയിലെ ഉത്തരവാദപ്പെട്ട വ്യക്തിയോ/വ്യക്തികളോ ആയിരിക്കും.

6. ഇത്തരത്തിൽ സർട്ടിഫിക്കറ്റ് നൽകുന്നതിന് ഉത്തരവ് നൽകിയിട്ടുള്ള കോടതിയുടെ ഉത്തരവുപ്രകാരം കുട്ടിയെ ദത്തെടുത്തതിനുശേഷം, ദത്തെടുത്ത രക്ഷകർത്താക്കളുടെയും, കുട്ടിയുടെ (പേരിൽ മാറ്റം വരുത്തുന്നുവെങ്കിൽ) പേരുകളിൽ മാറ്റം വരുത്തി രണ്ടാമത് ഒരു ജനന സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതാണ്.

കുട്ടിയുടെ വയസ്സ് സംബന്ധിച്ച് ജില്ലാ മെഡിക്കലാഫീസറുടെ സാക്ഷ്യപത്രത്തിന്റെ അടിസ്ഥാനത്തിൽ ജനന തീയതി മജിസ്ട്രേറ്റ് തന്നെ തീരുമാനിക്കേണ്ടതും ജനന രജിസ്ട്രേഷനിൽ ചേർക്കുന്നതിനുള്ള വിവരങ്ങൾ ഉത്തരവ് മുഖേന മജിസ്ട്രേറ്റ് (ആർ.ഡി.ഒ.) സ്ഥലം രജിസ്ട്രാർക്കു നൽകേണ്ടതുമാണ്.

ഈ മാർഗ്ഗ നിർദ്ദേശങ്ങൾ അനാഥമന്ദിരം, ശിശുക്ഷേമ കേന്ദ്രം തുടങ്ങിയ ഏജൻസികളിൽ നിന്നും ദത്തെടുക്കുന്ന കുട്ടികളെ ഉദ്ദേശിച്ചിട്ടുള്ളതാണെങ്കിലും ഇത്തരത്തിലുള്ള ഏജൻസിവഴിയല്ലാതെ സ്വന്തക്കാരിൽ നിന്നും, സുഹൃത്തുക്കളിൽ നിന്നും ദത്തെടുക്കപ്പെടുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ കാര്യത്തിലും ഈ നിബന്ധന ബാധകമാണ്.

ജനന രജിസ്ട്രേഷനിൽ റിമാർക്സ് കോളത്തിൽ ഇപ്രകാരം പേര് ചേർക്കുന്നത് സംബന്ധിച്ചുള്ള കോടതി ഉത്തരവിന്റെ നമ്പരും, തീയതിയും മറ്റും സ്ഥലം രജിസ്ട്രാർ രേഖപ്പെടുത്തേണ്ടതാണ്.

താമസിച്ചുള്ള രജിസ്ട്രേഷൻ സംബന്ധിച്ച് 1969ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ട് സെക്ഷൻ 13 അനുസരിച്ചുള്ള നടപടി ക്രമങ്ങൾ ഇത്തരം ജനന രജിസ്ട്രേഷനുകൾക്കും ബാധകമാണ്.

ജനനമരണ രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ - അസ്സൽ സർട്ടിഫിക്കറ്റ് തിരികെ വാങ്ങി റദ്ദു ചെയ്യുന്നത് സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനനമരണ രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ - അസ്സൽ സർട്ടിഫിക്കറ്റ് തിരികെ വാങ്ങി റദ്ദു ചെയ്യുന്നത് സംബന്ധിച്ച നിർദ്ദേശം

സൂചന:

ജനനമരണ രജിസ്ട്രേഷനുകളിൽ 1969-ലെ ജനനമരണ രജിസ്ട്രേഷൻ ആക്ട് സെക്ഷൻ 15-ന് വിധേയമായുള്ള തിരുത്തലുകൾ വരുത്തുന്ന കേസുകളിൽ ഇപ്രകാരമുള്ള തിരുത്തലുകൾക്കു മുമ്പ് പാർട്ടിക്ക് സർട്ടിഫിക്കറ്റ് നൽകിയിട്ടുണ്ടെങ്കിൽ, ആയതു തിരികെ വാങ്ങി റദ്ദാക്കിയതിനുശേഷം മാത്രമേ പുതിയ സർട്ടിഫിക്കറ്റ് നൽകാൻ പാടുള്ളൂ എന്ന് നിഷ്കർഷിച്ചിട്ടുള്ളതാണ്. എന്നാൽ പല രജിസ്ട്രാർമാരും അപ്രകാരം ചെയ്യുന്നതിൽ വീഴ്ച വരുത്തുന്നതായി ശ്രദ്ധയിൽപ്പെടുന്നു. ആയതിനാൽ എല്ലാ ജനനമരണ രജിസ്ട്രാർമാരും മേൽ നിബന്ധന പാലിക്കുന്നതിൽ ശ്രദ്ധിക്കേണ്ടതാണ് എന്ന് അറിയിക്കുന്നു. [നമ്പർ ബി1 31882/99, തിരുവനന്തപുരം, തീയതി 31.3.2001]

റിവ്യൂ ഓഫ് സി.ആർ.എസ്. - ഡാറ്റാ കളക്ഷൻ, പ്രോസസിംഗ് - നിർദ്ദേശം നൽകുന്നത് സംബന്ധിച്ച് സർക്കുലർ

1. എല്ലാ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർക്കും
2. ഡയറക്ടർ, അർബൻ അഫയേഴ്സ്
3. എക്സിക്യൂട്ടീവ് ഓഫീസർ, കണ്ണൂർ കന്റോൺമെന്റ്

സർ,

വിഷയം: റിവ്യൂ ഓഫ് സി.ആർ.എസ്. - ഡാറ്റാ കളക്ഷൻ, പ്രോസസിംഗ് സംബന്ധിച്ച ജില്ലാതല വികേന്ദ്രീകരണം - നിർദ്ദേശം നൽകുന്നത് സംബന്ധിച്ച്

സൂചന: എക്കണോമിക്സ് & സ്റ്റാറ്റിസ്റ്റിക്സ് ഡയറക്ടറുടെ നം. പി.എസ്സ്. 2370/2003/ഡി.ഇ.എസ്സ് കത്ത്

1970-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ സെക്ഷൻ 15(1) പ്രകാരവും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ ചട്ടം 14(1) പ്രകാരവും, ഓരോ രജിസ്ട്രാർമാരും സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട്, സമ്മറി മന്ത്ലി റിപ്പോർട്ട് എന്നിവ ചീഫ് രജിസ്ട്രാർ ചുമതലപ്പെടുത്തുന്ന അധികാരിക്ക് അടുത്ത മാസം 5-നു മുമ്പ് അയച്ചുകൊടുക്കണം എന്നാണ്. ചീഫ് രജിസ്ട്രാർ ഇക്കാര്യത്തിനായി അഡീഷണൽ ചീഫ് രജിസ്ട്രാറെയാണ് ചുമതലപ്പെടുത്തിയിരിക്കുന്നത്. എന്നാൽ സംസ്ഥാനതലത്തിലുള്ള സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടുകൾ കൈകാര്യം ചെയ്യുന്ന ജോലി ഭാരം ലഘൂകരിക്കുന്നതിന്റെ ഭാഗമായി ടി. വകുപ്പിലെ ജില്ലാതല ആഫീസറായ ഡെപ്യൂട്ടി ഡയറക്ടർ (എക്കണോമിക്സ് & സ്റ്റാറ്റിസ്റ്റിക്സ്) മുഖാന്തിരം അതതു ജില്ലകളിലെ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടുകൾ ജില്ലാതലത്തിൽ നിശ്ചിത ടേബിളുകളിൽ ഡാറ്റാ എൻട്രി വരുത്തി ഫ്ളോപ്പികളിലാക്കി അഡീഷണൽ ചീഫ് രജിസ്ട്രാർക്ക് അയച്ചുകൊടുത്ത വളരെ പെട്ടെന്നു തന്നെ വിവിധ തരം ഡാറ്റാകൾ ശേഖരിച്ച് കേന്ദ്രഗവൺമെന്റിനു നിശ്ചിതസമയത്തു തന്നെ നൽകുന്നതിന് വേണ്ട സംവിധാനം ചെയ്യാൻ കഴിയുമെന്ന് മനസ്സിലാക്കുകയും അപ്രകാരം ചെയ്യുന്നതിന് ആവശ്യമായ നടപടികൾ സ്വീകരിക്കണമെന്ന് സൂചനപ്രകാരം അഭ്യർത്ഥിച്ചിരിക്കുന്നു. അതിനാൽ താങ്കളുടെ അധികാര പരിധിയിലുള്ള ജനന മരണ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലെ രജിസ്ട്രാർ 2003 ഏപ്രിൽ മാസം മുതലുള്ള സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടുകൾ അതതു ജില്ലകളിലെ എക്കണോമിക്സ് & സ്റ്റാറ്റിസ്റ്റിക്സ് ഡെപ്യൂട്ടി ഡയറക്ടറുടെ ഓഫീസിലേക്ക് അയച്ചുകൊടുക്കേണ്ടതാണെന്ന് അടിയന്തിരമായി നിർദ്ദേശം നൽകുവാൻ താൽപ്പര്യപ്പെടുന്നു. കൂടാതെ ഫാറം നമ്പർ 11,12,13 എന്നിവയുടെ പകർപ്പുകൾ നിർബന്ധമായും പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർക്കും ചീഫ് രജിസ്ട്രാർക്കും അയക്കുന്നുണ്ട് എന്ന് താങ്കൾ ഉറപ്പുവരുത്തേണ്ടതാണ്. [നമ്പർ. ബി1. 7215/03, തിരുവനന്തപുരം, തീയതി 27/03/03]

ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം: ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച്

സൂചന: എൽ.ഐ.സി ഡിവിഷണൽ മാനേജരുടെ 9.6.99 ലെ കത്ത്

ഒരു വ്യക്തിയുടെ മരണം സംബന്ധിച്ച് വ്യത്യസ്ത രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ നിന്നും വ്യത്യസ്ത തീയതികളിൽ മരണം സംഭവിച്ചതായി മരണസർട്ടിഫിക്കറ്റുകൾ ലഭിക്കുക വിദേശത്ത് വച്ച് നടന്ന മരണം കേരളത്തിലെ രജിസ്ട്രേഷൻ യൂണിറ്റിനകത്ത് വച്ച് നടന്നതായി രജിസ്റ്റർ ചെയ്ത സർട്ടിഫിക്കറ്റ് നൽകുക, മരിച്ച തീയതി വ്യത്യാസപ്പെടുത്തി മരണം രജിസ്റ്റർ ചെയ്ത് സർട്ടിഫിക്കറ്റ് നൽകുക എന്നിങ്ങനെയുള്ള അപാകതകൾ കേരളത്തിലെ രജിസ്ട്രാർമാർ നടത്തിയിരിക്കുന്നതായി എൽ.ഐ.സി.യുടെ ഡിവിഷണൽ മാനേജർ ചീഫ് രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽ പെടുത്തിയിരിക്കുന്നു.

1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമങ്ങളും തൽസംബന്ധമായി ഉണ്ടായിട്ടുള്ള ചട്ടങ്ങളും പ്രകാരം ജനനവും മരണവും അവ നടന്ന രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലാണ് രജിസ്റ്റർ ചെയ്യേണ്ടത്. സ്ഥാപനങ്ങളിൽ നടക്കുന്ന ജനനവും മരണവും സ്ഥാപനങ്ങളിലെ ഇൻഫോർമെന്റുകൾ വഴി ലഭിക്കുന്നതുകൊണ്ട് വലിയ അപാകതകൾ സംഭവിക്കാൻ സാധ്യതയില്ല. എന്നാൽ വീടുകളിൽ വച്ച് നടക്കുന്ന ജനനമരണങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നതിൽ ധാരാളം അപാകതകൾ സംഭവിക്കാൻ സാധ്യതയുണ്ട്. ഉദാഹരണത്തിന് മരണ തീയതി മാറ്റി പറയുക യഥാർത്ഥ ഇൻഫോർമെന്റലല്ലാത്തവർ ജനനവും, മരണവും റിപ്പോർട്ട് ചെയ്യുക വിദേശത്ത് വച്ച് നടന്ന ജനന മരണങ്ങൾ കേരളത്തിൽ വച്ച് നടന്നതാണെന്ന് റിപ്പോർട്ട് ചെയ്യുക, മരിക്കാത്തവർ മരിച്ചതായി റിപ്പോർട്ട് ചെയ്യുക മുതലായവ.

അതിനാൽ വീടുകളിൽ നടന്നതായി റിപ്പോർട്ടു ചെയ്യുന്ന ജനന മരണങ്ങൾ സംബന്ധിച്ച് സ്ഥലത്തു പോയി വിശദമായി അന്വേഷണം നടത്തി വസ്തുതകൾ ബോധ്യപ്പെട്ടശേഷം മാത്രം രജിസ്റ്റർ ചെയ്യേണ്ടതാണെന്ന് എല്ലാ രജിസ്റ്റർമാർക്കും നിർദ്ദേശം നൽകുന്നു. [ബി1. 24451/99, തിരുവനന്തപുരം, തീയതി 19/1/04]

ജനന-മരണ രജിസ്ട്രേഷൻ-പരിഷ്ക്കരിച്ച സർട്ടിഫിക്കറ്റ് ഫോറങ്ങൾ പ്രാബല്യത്തിൽ വരുത്തുന്നത് സംബന്ധിച്ച് സർക്കുലർ

പ്രേഷിതൻ
പഞ്ചായത്ത് ഡയറക്ടർ
തിരുവനന്തപുരം

സ്വീകർത്താവ്

1. എല്ലാ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർക്കും
2. എല്ലാ നഗരസഭാ ജനന-മരണ രജിസ്ട്രാർമാർക്കും
3. നഗരകാര്യ ഡയറക്ടർ, പബ്ലിക് ഓഫീസ്, തിരുവനന്തപുരം
4. അഡീഷണൽ ചീഫ് രജിസ്ട്രാർ/അഡീഷണൽ ഡയറക്ടർ, എക്കണോമിക്സ് & സ്റ്റാറ്റിസ്റ്റിക്സ്, വികാസ് ഭവൻ, തിരുവനന്തപുരം
5. ഡയറക്ടർ ഓഫ് സെൻസസ് ഓപ്പറേഷൻസ്, തിരുവനന്തപുരം

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ-പരിഷ്ക്കരിച്ച സർട്ടിഫിക്കറ്റ് ഫോറങ്ങൾ പ്രാബല്യത്തിൽ വരുത്തുന്നത് സംബന്ധിച്ച്.

സൂചന:- 1. ജി.ഒ.(പി) നമ്പർ 68/2007/എൽ.എസ്.ജി.ഡി. തീയതി 6-3-07
2. ഈ ഓഫീസിലെ 11-4-07-ലെ ഇതേ നമ്പർ കത്ത്

ജനന-മരണ രജിസ്ട്രേഷൻ ഭേദഗതി ചട്ടം 2007 പരാമർശം (2) പ്രകാരം എല്ലാ ജനന-മരണ രജിസ്ട്രാർമാർക്കും ലഭ്യമാക്കിയിട്ടുള്ളതാണ്. 1.6.07 മുതൽ ടി ഉത്തരവിൽ നിഷ്ക്കർഷിച്ചിരുന്ന പ്രകാരമുള്ള ഫോറങ്ങളും രജിസ്റ്ററുകളും മാത്രം ഉപയോഗിക്കുന്നതിന് നിർദ്ദേശിക്കുന്നു. ടി. ഫോറങ്ങൾ ഗ്രാമലക്ഷ്മി മുദ്രാലയത്തിൽ ലഭ്യമാണ്. ഗ്രാമലക്ഷ്മി മുദ്രാലയത്തിൽ നിന്നും മുൻകൂട്ടി ഫോറങ്ങൾ വാങ്ങി സൂക്ഷിക്കുന്നതിനും 1.6.07 മുതൽ ഉപയോഗിക്കുന്നതിനും നിർദ്ദേശിക്കുന്നു. കൂടാതെ സ്ഥാപനങ്ങൾക്ക് ജനന-മരണങ്ങൾ റിപ്പോർട്ടു ചെയ്യുന്നതിനായി മുൻകൂട്ടി നൽകിയിട്ടുള്ള പഴയ ഫോറങ്ങൾ തിരികെ വാങ്ങേണ്ടതും പുതിയ റിപ്പോർട്ട് ഫോറങ്ങൾ നൽകേണ്ടതുമാണ്. പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർ അവരുടെ അധികാരപരിധിയിലുള്ള എല്ലാ ജനന-മരണ രജിസ്ട്രാർമാർക്കും ടി നിർദ്ദേശങ്ങൾ നൽകേണ്ടതും 1.6.07 മുതൽ ഭേദഗതി ചെയ്ത സർട്ടിഫിക്കറ്റ്/റിപ്പോർട്ട് ഫാറങ്ങൾ മാത്രമേ ഉപയോഗിക്കുന്നുള്ളൂ എന്ന് ഉറപ്പുവരുത്തേണ്ടതുമാണ്. [ബി1/19307/04, പഞ്ചായത്ത് ഡയറക്ടറുടെ കാര്യാലയം, തിരുവനന്തപുരം, തീയതി: 4.5.07]

രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ വരുത്തുന്നതിനുള്ള നടപടിക്രമങ്ങളിൽ ഭേദഗതി സംബന്ധിച്ച് സർക്കുലർ

വിഷയം : ജനന-മരണ രജിസ്ട്രേഷൻ കാര്യക്ഷമമാക്കൽ - രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ വരുത്തുന്നതിനുള്ള നടപടിക്രമങ്ങളിൽ ഭേദഗതി നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന : ചീഫ് രജിസ്ട്രാറുടെ 20.03.2007 ലെ ബി1 2815/07-ാം നമ്പർ സർക്കുലർ.

ജനന മരണ രജിസ്ട്രേഷനുകളിൽ ചേർത്തിട്ടുള്ള വിവരങ്ങളിൽ വന്നുപോയിട്ടുള്ള തെറ്റുകൾ തിരുത്തുന്നതിനുള്ള വ്യവസ്ഥകൾ 1969 ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 15-ാം വകുപ്പിലും 1999 ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ ചട്ടം 11-ലും ഉൾപ്പെടുത്തിയിരിക്കുന്നു. ഇതനുസരിച്ച് രജിസ്ട്രേഷനുകളിലെ മന:പൂർവ്വമല്ലാത്ത തെറ്റുകൾ തിരുത്തുന്നതിനുള്ള പൂർണ്ണമായ അധികാരം ജനന മരണ രജിസ്ട്രാർമാർക്കാണ്. എന്നാൽ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഈ വ്യവസ്ഥ ദുരുപയോഗം ചെയ്യപ്പെടുന്നില്ലെന്ന് ഉറപ്പാക്കുന്നതിനും രജിസ്ട്രാർമാരെ സഹായിക്കുന്നതിനുമായി 01.04.1970 നു മുമ്പുള്ള എല്ലാ തിരുത്തലുകൾക്കും അതിനു ശേഷമുള്ളവയിൽ പ്രധാനപ്പെട്ട വിവരങ്ങൾ തിരുത്തുന്നതിനും ചീഫ് രജിസ്ട്രാറുടെ അനുമതി വാങ്ങിയിരിക്കണമെന്ന് വിവിധ സർക്കുലറുകൾ മുഖേന ചീഫ് രജിസ്ട്രാർ നിർദ്ദേശം നൽകിയിട്ടുള്ളതാണ്.

മേൽപ്പറഞ്ഞ നിർദ്ദേശം നിയമത്തിലെയും ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾ പ്രകാരം രജിസ്ട്രാറിൽ നിക്ഷിപ്തമായ അധികാരത്തെ പരിമിതപ്പെടുത്തുന്നതാകയാലും തിരുത്തൽ സംബന്ധിച്ച അപേക്ഷകളിൽ നടപടിക്രമങ്ങൾ ലഘൂകരിച്ച് സേവനങ്ങൾ ലഭ്യമാക്കുന്നതിൽ കാലതാമസം ഒഴിവാക്കുന്നതിനുമായി തിരുത്തൽ സംബന്ധിച്ച നിർദ്ദേശങ്ങൾ നിയമാനുസൃതം ഭേദഗതി ചെയ്യുന്നതിന് തീരുമാനിച്ചിരിക്കുന്നു.

ജനന മരണ രജിസ്ട്രേഷൻ നിയമം പ്രാബല്യത്തിൽ വന്ന 01.04.1970 നു ശേഷമുള്ള രജിസ്ട്രേഷനുകളിൽ മനഃപൂർവ്വമല്ലാതെ വന്നിട്ടുള്ള തെറ്റുകൾ 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 15-ാം വകുപ്പിലെയും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 11-ാം ചട്ടത്തിലെയും വ്യവസ്ഥകൾ പാലിച്ചുകൊണ്ട് തിരുത്തുന്നതിനോ റദ്ദാക്കുന്നതിനോ രജിസ്ട്രാർമാർ തന്നെ തീരുമാനമെടുക്കേണ്ടതാണ്. 01.04.1970 ന് മുമ്പുള്ള രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ വരുത്തുന്നതിന് നിലവിലുള്ള നിർദ്ദേശം അനുസരിച്ച് ചീഫ് രജിസ്ട്രാറുടെ അനുമതി വാങ്ങേണ്ടതാണ്. മേൽപ്പറഞ്ഞ പ്രകാരം തിരുത്തലുകൾ അനുവദിക്കുമ്പോൾ ഈ സൗകര്യം ദുരുപയോഗം ചെയ്യപ്പെടുന്നില്ലെന്നും നിയമപ്രകാരമുള്ള തിരുത്തലുകൾ മാത്രമേ അനുവദിക്കപ്പെടുന്നുള്ളുവെന്ന് രജിസ്ട്രാർമാർ ഉറപ്പുവരുത്തേണ്ടതാണ്. രജിസ്റ്ററിൽ ഉൾപ്പെടുത്തിയിട്ടുള്ള തെറ്റായ വിവരങ്ങൾ തിരുത്തുന്നതിനു മാത്രമേ വ്യവസ്ഥയുള്ളുവെന്നും വിവരങ്ങളിൽ പിന്നീട് വരുത്തുന്ന മാറ്റങ്ങൾക്കനുസരിച്ച് രജിസ്ട്രേഷനിൽ മാറ്റം വരുത്താവുന്നതല്ലെന്നുമുള്ള കാര്യം പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണ്.

ജനന മരണ രജിസ്ട്രേഷനുകളിലെ തിരുത്തലുകൾ സംബന്ധിച്ച നിയമ വ്യവസ്ഥകളും നടപടിക്രമങ്ങളും രജിസ്ട്രാർമാരുടെ അറിവിലേയ്ക്കായി ചുവടെ ചേർക്കുന്നു.

1. രജിസ്ട്രേഷനുകളിലെ ക്ലെറിക്കൽ തെറ്റുകൾ രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽപ്പെടുമ്പോഴോ ബന്ധപ്പെട്ട കക്ഷികൾ അപേക്ഷ നൽകുമ്പോഴോ അക്കാര്യം അന്വേഷിച്ച് ബോദ്ധ്യപ്പെട്ട് ആവശ്യമായ തിരുത്തൽ വരുത്തേണ്ടതാണ്. അതായത്, ബന്ധപ്പെട്ട വസ്തുതയുടെ നിജസ്ഥിതി തെളിയിക്കുന്നതിനാവശ്യമായ രേഖകൾ (തെളിവുകൾ) ഹാജരാക്കുന്നതിന്റെ അടിസ്ഥാനത്തിൽ ഇത്തരത്തിലുള്ള തെറ്റുകൾ തിരുത്താവുന്നതാണ്. പേരിലോ മറ്റു വിവരങ്ങളിലോ ഉള്ള അക്ഷരത്തെറ്റുകൾ, റിപ്പോർട്ടിലെ വിവരങ്ങൾ രജിസ്റ്ററിലേയ്ക്ക് പകർത്തിയതിൽ വന്നിട്ടുള്ള തെറ്റുകൾ എന്നിവ ഈ രീതിയിൽ തിരുത്താവുന്നതാണ്.

2. രജിസ്ട്രേഷനുകളിലെ വസ്തുതാപരമായ തെറ്റുകൾ തിരുത്തുന്നതിന് അപേക്ഷിക്കുന്ന കക്ഷി തിരുത്തേണ്ട വസ്തുത സംബന്ധിച്ച് ബോദ്ധ്യമുള്ള രണ്ട് വിശ്വസനീയരായ വ്യക്തികളുടെ (Credible persons) സത്യപ്രസ്താവന ഹാജരാക്കുന്നതിന്റെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ വരുത്തേണ്ടതാണ്. ഇത്തരത്തിലുള്ള തിരുത്തലുകൾക്കായി ബന്ധപ്പെട്ട കക്ഷികൾ രജിസ്ട്രേഷനിലെ തിരുത്തൽ വരുത്തേണ്ട വസ്തുതയെ സംബന്ധിക്കുന്ന സത്യവാങ്മൂലം, അത് തെളിയിക്കുന്നതിനുള്ള രേഖകൾ എന്നിവയ്ക്കു പുറമേ മേൽപ്പറഞ്ഞ പ്രകാരം രണ്ട് വിശ്വസനീയ വ്യക്തികളുടെ ഡിക്ലറേഷനും ഹാജരാക്കേണ്ടതാണ്. ഇവയുടെ അടിസ്ഥാനത്തിൽ രേഖകൾ പരിശോധിച്ചും അന്വേഷണം നടത്തിയും ബോദ്ധ്യപ്പെട്ട് തിരുത്തലിനുള്ള അപേക്ഷയിൽ തീരുമാനമെടുക്കേണ്ടതാണ്.

3. രജിസ്ട്രേഷനിൽ ഏതെങ്കിലും വിവരം അനുചിതമായോ വഞ്ചനാപൂർവ്വമായോ ഉൾപ്പെടുത്തിയതാണെന്ന് രജിസ്ട്രാർക്ക് ബോദ്ധ്യപ്പെട്ടാൽ അതിന്റെ വിശദവിവരം വ്യക്തമാക്കുന്ന ഒരു റിപ്പോർട്ട് തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതും ചീഫ് രജിസ്ട്രാറുടെ നിർദ്ദേശപ്രകാരം തുടർനടപടി സ്വീകരിക്കേണ്ടതുമാണ്. ഇത്തരം കേസുകളിൽ സെക്ഷൻ 23 അനുസരിച്ചുള്ള പ്രോസിക്യൂഷൻ നടപടിയും സ്വീകരിക്കേണ്ടതാണ്.

മേൽപ്പറഞ്ഞ പ്രകാരം രജിസ്ട്രാർമാർ തിരുത്തലുകൾ അനുവദിക്കുമ്പോൾ സൂചന സർക്കുലറിലെ മറ്റു നിർദ്ദേശങ്ങൾ പാലിക്കേണ്ടതാണ്.

രജിസ്റ്ററിൽ തിരുത്തൽ വരുത്തുമ്പോൾ, സെക്ഷൻ 15-ൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതു പോലെ, ഒറിജിനൽ എൻട്രിയിൽ മാറ്റം വരുത്താതെ മാർജിനിൽ അനുയോജ്യമായ എൻട്രി ചേർത്ത് രജിസ്ട്രാർ ഒപ്പും തീയതിയും രേഖപ്പെടുത്തേണ്ടതും അപ്രകാരമുള്ള തിരുത്തലുകൾ സംബന്ധിച്ച് 11-ാം ചട്ടപ്രകാരം പകർപ്പുകൾ തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതുമാണ്. പെർഫോമൻസ് ആഡിറ്റ് ടീമും ജില്ലാ രജിസ്ട്രാർമാരും യൂണിറ്റുകളിൽ പരിശോധന നടത്തുമ്പോൾ തിരുത്തലുകൾ സംബന്ധിച്ച ഫയലുകൾ പ്രത്യേകം പരിശോധിക്കേണ്ടതാണ്.

ജനന മരണ രജിസ്ട്രേഷനുകളിൽ തിരുത്തൽ വരുത്തുന്നതിനായി ലഭിക്കുന്ന അപേക്ഷകൾ അനുമതിയ്ക്കായി ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കാൻ പാടില്ല. എന്നാൽ ഏതെങ്കിലും പ്രത്യേക കേസിൽ ആവശ്യപ്പെട്ടിട്ടുള്ള തിരുത്തൽ അനുവദനീയമാണോ എന്നതു സംബന്ധിച്ച സംശയം ദൂരീകരിക്കുന്നതിനായി ചീഫ് രജിസ്ട്രാറുടെ ഉപദേശം തേടാവുന്നതാണ്.

മേൽപ്പറഞ്ഞ നിർദ്ദേശങ്ങൾ പ്രാവർത്തികമാക്കുന്നുണ്ടെന്ന് ജില്ലാ രജിസ്ട്രാർമാർ ഉറപ്പാക്കേണ്ടതാണ്. [നമ്പർ. ബി 1-2815/2007, പഞ്ചായത്ത് ഡയറക്ടറേറ്റ്, തിരുവനന്തപുരം, തീയതി 07.11.07]

ദത്തെടുത്ത കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ സംബന്ധിച്ച് സർക്കുലർ

വിഷയം : ജനന-മരണ രജിസ്ട്രേഷൻ - ഉപേക്ഷിക്കപ്പെട്ട / ദത്തെടുത്ത കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ - അപാകതകൾ പരിഹരിക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന : 1. ചീഫ് രജിസ്ട്രാറുടെ 05/10/1999-ലെ ബി 2 29772/99-ാം നമ്പർ സർക്കുലർ

2. ചീഫ് രജിസ്ട്രാറുടെ 20/03/2007-ലെ ബി1-2815/07-ാം നമ്പർ സർക്കുലർ

3. സാമൂഹ്യക്ഷേമ വകുപ്പ് അഡീഷണൽ ഡയറക്ടറുടെ 11.10.2007-ലെ എ.സി-318/06 നമ്പർ കത്ത്.

ഉപേക്ഷിക്കപ്പെട്ട/ദത്തെടുക്കുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ സംബന്ധിച്ച് രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യ പുറപ്പെടുവിച്ച മാർഗ്ഗനിർദ്ദേശങ്ങളുടെ അടിസ്ഥാനത്തിൽ ചീഫ് രജിസ്ട്രാർ, സൂചന ഒന്നിലെ സർക്കുലർ പുറപ്പെടുവിക്കുകയുണ്ടായി. ജനന-മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് പുറപ്പെടുവിച്ചിട്ടുള്ള നിരവധി സർക്കുലറുകളിലെ നിർദ്ദേശങ്ങൾ ക്രോഡീകരിച്ച് പുറപ്പെടുവിച്ച സൂചന രണ്ടിലെ സർക്കുലറിലും പ്രസ്തുത നിർദ്ദേശങ്ങൾ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതാണ്. എന്നാൽ മേൽപ്പറഞ്ഞ സർക്കുലറുകളിലെ ചില നിർദ്ദേശങ്ങൾ ദത്തെടുക്കുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനെ ദോഷകരമായി ബാധിക്കുന്ന തരത്തിൽ തെറ്റായി വ്യാഖ്യാനിക്കപ്പെടുന്നതായും ഇതു നിമിത്തം ബന്ധപ്പെട്ട വ്യക്തികൾക്ക് ബുദ്ധിമുട്ടുണ്ടാകുന്നതായും സൂചന മൂന്നു പ്രകാരം സാമൂഹ്യക്ഷേമവകുപ്പ് അഡീഷനൽ ഡയറക്ടർ ശ്രദ്ധയിൽപ്പെടുത്തിയിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ വസ്തുതകൾ പരിഗണിച്ച് ഇക്കാര്യത്തിൽ താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1. ഉപേക്ഷിക്കപ്പെട്ട കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ 1969 ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 8-ാം വകുപ്പ് (1)-ാം ഉപ വകുപ്പ് (ഇ) ഖണ്ഡം അനുസരിച്ച് നടത്തേണ്ടതാണ്. രജിസ്ട്രേഷൻ നടത്തുന്നതിനായി കുട്ടിയുടെ ദത്തെടുക്കൽ നടപടി വരെ കാത്തിരിക്കേണ്ടതില്ലാത്തതും യഥാസമയം ജനനം റിപ്പോർട്ടു ചെയ്യാത്ത പക്ഷം സെക്ഷൻ 23 പ്രകാരം നടപടി സ്വീകരിക്കേണ്ടതുമാണ്.

2. ജനന രജിസ്ട്രേഷനിൽ കുട്ടിക്ക് ഭാവിയിൽ അപമാനകരമായിത്തീരുന്ന രീതിയിൽ ജനനസ്ഥലം (അമ്മത്തൊട്ടിൽ, ഓർഫനേജ് തുടങ്ങിയവ) രേഖപ്പെടുത്താൻ പാടില്ല.

3. അനാഥാലയങ്ങളിലും മറ്റ് ശിശു സംരക്ഷണ ഏജൻസികളിലും കഴിയുന്നതും അല്ലാത്തതുമായ കുട്ടികളെ നിയമാനുസരണം ദത്തെടുക്കുന്ന അവസരത്തിൽ ദത്തെടുക്കുന്ന മാതാപിതാക്കളുടെ (Adoptive Parents) പേര് ഉൾപ്പെടുത്തിയും ആവശ്യമെങ്കിൽ കുട്ടിയുടെ പേരിൽ മാറ്റം വരുത്തിയും സർട്ടിഫിക്കറ്റ് അനുവദിക്കുമ്പോൾ ചട്ടപ്രകാരമുള്ള സർട്ടിഫിക്കറ്റ് ഫോർമാറ്റിൽ യാതൊരു മാറ്റവും വരുത്തുവാൻ പാടില്ല. ദത്തെടുക്കൽ അനുവദിക്കുന്ന കോടതി ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ അഡോപ്റ്റീവ് പേരന്റ് സിന്റെ പേര് മാതാപിതാക്കളുടെ പേരായി ഉൾപ്പെടുത്തി നൽകേണ്ടതാണ്.

ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ കർശനമായി പാലിക്കുന്നതിനാവശ്യമായ നടപടികൾ ബന്ധപ്പെട്ട എല്ലാ രജിസ്ട്രാർമാരും ജില്ലാ രജിസ്ട്രാർമാരും സ്വീകരിക്കേണ്ടതാണ്. [നമ്പർ. ബി 1 20129/07 പഞ്ചായത്ത് ഡയറക്ടറേറ്റ്, തിരുവനന്തപുരം, തീയതി 12.10.2007]

ജനന-മരണ രജിസ്ട്രേഷൻ - പരിശോധനാസംവിധാനം ഏർപ്പെടുത്തുന്നതു സംബന്ധിച്ച് സർക്കുലർ

വിഷയം : ജനന-മരണ രജിസ്ട്രേഷൻ - പരിശോധനാസംവിധാനം ഏർപ്പെടുത്തുന്നതു സംബന്ധിച്ച നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന : ഇല്ല

ജനന മരണ രജിസ്ട്രേഷൻ സംവിധാനം നിയമപ്രകാരവും പൊതുജനസൗഹൃദപരവുമായി പ്രവർത്തിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുന്നതിന് കാര്യക്ഷമമായ പരിശോധനാസംവിധാനം അത്യന്താപേക്ഷിതമാണ്. എന്നാൽ, നമ്മുടെ സംസ്ഥാനത്തിൽ ഫലപ്രദമായ ഒരു പരിശോധനാ സംവിധാനം നിലവിലില്ലാത്തതിനാൽ ചില രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലെങ്കിലും ക്രമക്കേടുകൾക്കും പൊതുജനങ്ങൾക്ക് അനാവശ്യമായ ബുദ്ധിമുട്ടുകൾക്കും ഇടയാക്കുന്നതായും വിദേശരാജ്യങ്ങളിലുൾപ്പെടെ രജിസ്ട്രേഷൻ സംവിധാനത്തെക്കുറിച്ച് മോശമായ ധാരണ സൃഷ്ടിക്കുന്നതായും ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. പരിശോധനാ സംവിധാനത്തിന്റെ ആവശ്യകതയും കേരളം ഉൾപ്പെടെയുള്ള സംസ്ഥാനങ്ങളിൽ ഇക്കാര്യത്തിലുള്ള അപര്യാപ്തതയും രജിസ്ട്രാർ ജനറൽ വാർഷിക റിപ്പോർട്ടുകളിൽ ആവർത്തിച്ച് വ്യക്തമാക്കുകയും പരിശോധനാ റിപ്പോർട്ടുകൾ തയ്യാറാക്കുന്നതിനുള്ള മാതൃകാഫാറം നൽകി കൃത്യമായ ഇടവേളകളിൽ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ പരിശോധന നടത്തുന്നതിനും റിപ്പോർട്ടുകൾ അവലോകനം ചെയ്ത് തുടർനടപടികൾ സ്വീകരിക്കുന്നതിന് നിർദ്ദേശിക്കുകയും ചെയ്തിട്ടുള്ളതുമാണ്.

മേൽ വിവരിച്ച സാഹചര്യത്തിൽ രജിസ്ട്രേഷൻ സംവിധാനത്തിന്റെ കാര്യപ്രാപ്തി വർദ്ധിപ്പിക്കുക, ക്രമക്കേടുകൾ ഒഴിവാക്കുക, പൊതുജനങ്ങൾക്ക് നിയമ വിധേയമായ ആവശ്യങ്ങൾ നിറവേറ്റുന്നതിന് ബുദ്ധിമുട്ടുകളുണ്ടാകുന്നില്ല എന്ന് ഉറപ്പുവരുത്തുക എന്നീ ലക്ഷ്യങ്ങൾ കൈവരിക്കുന്നതിനായി താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ നൽകുന്നു.

1. ജില്ലാതലത്തിൽ രൂപീകരിച്ചിട്ടുള്ള പെർഫോമൻസ് ആഡിറ്റ് ടീമുകൾ അവയുടെ പ്രവർത്തന പരിധിയിലുള്ള ഗ്രാമ പഞ്ചായത്തുകളിൽ മൂന്നു മാസത്തിലൊരിക്കൽ പരിശോധന നടത്തി റിപ്പോർട്ട് ജില്ലാ രജിസ്ട്രാർക്ക് സമർപ്പിക്കേണ്ടതാണ്.

2. പരിശോധനാ റിപ്പോർട്ട് തയ്യാറാക്കുന്നതിന് ഈ സർക്കുലറിന്റെ അനുബന്ധമായി ചേർത്തിട്ടുള്ള പ്രൊഫോർമ മാതൃകയായി സ്വീകരിക്കേണ്ടതാണ്.

3. ജില്ലാ രജിസ്ട്രാർമാർ റിപ്പോർട്ടുകൾ അവലോകനം ചെയ്ത് ഒരു സമാഹൃത റിപ്പോർട്ട് സഹിതം

റിപ്പോർട്ടുകളുടെ ഓരോ പകർപ്പ് ചീഫ് രജിസ്ട്രാർക്ക് ജനുവരി, ഏപ്രിൽ, ജൂലായ്, ഒക്ടോബർ മാസങ്ങളിൽ 15-ാം തീയതിയ്ക്കകം സമർപ്പിക്കേണ്ടതാണ്.

4. മുനിസിപ്പാലിറ്റികളിലും മുനിസിപ്പൽ കോർപ്പറേഷനുകളിലും ജില്ലാ രജിസ്ട്രാറുടെ ചുമതല നിർവ്വഹിക്കുന്ന സെക്രട്ടറിമാർ അതാതു യൂണിറ്റുകളിൽ മൂന്നു മാസത്തിലൊരിക്കൽ പരിശോധന നടത്തി റിപ്പോർട്ട് മേൽപ്പറഞ്ഞ തീയതിയ്ക്കകം ചീഫ് രജിസ്ട്രാർക്ക് നൽകേണ്ടതാണ്.

5. ജില്ലാ രജിസ്ട്രാർമാരായ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർ മാസത്തിൽ ഒരിക്കൽ അതാതു ജില്ലയിലെ 2 രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ മുൻകൂർ അറിയിപ്പു നൽകിയും 2 യൂണിറ്റുകളിൽ അറിയിപ്പു കൂടാതെയും പരിശോധന നടത്തി ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ട് നൽകേണ്ടതാണ്.

6. ഇതു കൂടാതെ, ഡെപ്യൂട്ടി ചീഫ് രജിസ്ട്രാർ പ്രതിമാസം 2 രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ മുൻകൂർ അറിയിപ്പു നൽകിയും 2 യൂണിറ്റുകളിൽ അറിയിപ്പു കൂടാതെയും പരിശോധന നടത്തുന്നതാണ്.

7. പരിശോധനകളിൽ കണ്ടെത്തുന്ന ക്രമക്കേടുകൾ പരിഹരിക്കുന്നതിനും ആവർത്തിക്കാതിരിക്കുന്നതിനും ആവശ്യമായ നിർദ്ദേശങ്ങൾ ജില്ലാ രജിസ്ട്രാർമാർ ബന്ധപ്പെട്ട രജിസ്ട്രാർമാർക്ക് നൽകേണ്ടതും അത് പാലിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തേണ്ടതുമാണ്.

8. പരിശോധനാ റിപ്പോർട്ടുകൾ ചീഫ് രജിസ്ട്രാർ അവലോകനം ചെയ്യുന്നതും ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥർക്ക് ആവശ്യമായ നിർദ്ദേശം നൽകുന്നതുമാണ്. പ്രസ്തുത നിർദ്ദേശങ്ങൾ സമയബന്ധിതമായി നടപ്പാക്കി മറുപടി യഥാസമയം സമർപ്പിക്കേണ്ടതാണ്.

9. എല്ലാ ജില്ലാ രജിസ്ട്രാർമാരും ഓരോ ത്രൈമാസത്തെയും പരിശോധനാപരിപാടിയുടെ കലണ്ടർ മുൻകൂട്ടി ചീഫ് രജിസ്ട്രാർക്ക് നൽകേണ്ടതാണ്.

ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ 2007 ഒക്ടോബർ മുതൽ നടപ്പാക്കുന്നതിനാവശ്യമായ നടപടികൾ എല്ലാ ജില്ലാ രജിസ്ട്രാർമാരും അടിയന്തിരമായി സ്വീകരിക്കേണ്ടതും സ്വീകരിച്ച നടപടി സംബന്ധിച്ച വിവരം 2007 ഡിസംബർ വരെയുള്ള പരിശോധനാ കലണ്ടർ സഹിതം 2007 ഒക്ടോബർ 20 നു മുമ്പായി ചീഫ് രജിസ്ട്രാരെ അറിയിക്കേണ്ടതുണ്ട്. [നമ്പർ ബി1-6141/2007 പഞ്ചായത്ത് ഡയറക്ടറുടെ കാര്യാലയം, തിരുവനന്തപുരം, തീയതി : 09.10.2007]

ജനന മരണ രജിസ്ട്രേഷൻ - പരിശോധന റിപ്പോർട്ട്

1. രജിസ്ട്രേഷൻ യൂണിറ്റ് :
2. പരിശോധന നടത്തിയ തീയതി :
3. പരിശോധനയ്ക്ക് വിധേയമാക്കിയ കാലയളവ് :
4. പരിശോധനാ കാലയളവിലെ രജിസ്ട്രാറുടെ പേര് :
5. പരിശോധനാ കാലയളവിലെ സബ്രജിസ്ട്രാറുടെ പേര് :
6. ജനന മരണ രജിസ്ട്രേഷൻ സെക്ഷൻ കൈകാര്യം ചെയ്യുന്ന ഉദ്യോഗസ്ഥന്റെ/ഉദ്യോഗസ്ഥരുടെ പേരുവിവരം :
7. പരിശോധന കാലയളവിലെ രജിസ്ട്രേഷനുകളുടെ വിവരം :

		എണ്ണം	രജി.നം മുതൽ	വരെ
	ജനനം			
1 (എ)	21 ദിവസത്തിനകം റിപ്പോർട്ട് ചെയ്തവ			
(ബി)	21 ദിവസത്തിനു ശേഷം എന്നാൽ 30 ദിവസത്തിനകം റിപ്പോർട്ടു ചെയ്തവ			
(സി)	ജില്ലാ രജിസ്ട്രാറുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
(ഡി)	RDO യുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
	ആകെ			
	മരണം			
2 (എ)	21 ദിവസത്തിനകം റിപ്പോർട്ട് ചെയ്തവ			
(ബി)	21 ദിവസത്തിനു ശേഷം എന്നാൽ 30 ദിവസത്തിനകം റിപ്പോർട്ടു ചെയ്തവ			
(സി)	ജില്ലാ രജിസ്ട്രാറുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
(ഡി)	RDO യുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
	ആകെ			

8. റിപ്പോർട്ട് ഫാറങ്ങളിൽ വിവരങ്ങൾ രേഖപ്പെടുത്തുന്നതിൽ ശ്രദ്ധയിൽപ്പെട്ട അപാകതകൾ

9. റിപ്പോർട്ട് ഫാറങ്ങളുടെ ലീഗൽ പാർട്ട് രജിസ്ട്രേഷൻ നമ്പരും മറ്റു വിവരങ്ങളും രേഖപ്പെടുത്തി രജിസ്ട്രാർ/സബ് രജിസ്ട്രാർ ഒപ്പിട്ട് സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

10. റിപ്പോർട്ടുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് സമ്മറി റിപ്പോർട്ടു സഹിതം ചീഫ് രജിസ്ട്രാറുടെ നിർദ്ദേശ പ്രകാരം അയയ്ക്കുന്നുണ്ടോ എന്ന വിവരം

(എ) അയച്ചു കൊടുത്ത ഏറ്റവും ഒടുവിലത്തെ റിപ്പോർട്ട് ഏതു മാസത്തേത്

(ബി) അയച്ചു കൊടുത്തത് ആർക്ക്

(സി) അയച്ച തീയതി

11. സെക്ഷൻ 12 പ്രകാരമുള്ള സർട്ടിഫിക്കറ്റ് വിതരണം സംബന്ധിച്ച വിവരം

(എ) മുൻ പരിശോധനയിൽ നൽകാൻ ബാക്കിയുണ്ടായിരുന്ന സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(ബി) പരിശോധനാകാലയളവിൽ യഥാസമയം റിപ്പോർട്ടു ചെയ്ത രജിസ്ട്രേഷനുകളുടെ എണ്ണം. 7.1 (എ) + 2 (എ)

(സി) ആകെ (എ) + (ബി)

(ഡി) പരിശോധനാകാലയളവിൽ നൽകിയ സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(ഇ) നൽകാൻ ബാക്കിയുള്ള സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(എഫ്) സർട്ടിഫിക്കറ്റ് വിതരണം സംബന്ധിച്ച് പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിപ്പോർട്ട്

12. റിപ്പോർട്ടുകളുടെ രജിസ്ട്രേഷൻ സംബന്ധിച്ച പുരോഗതി

ക്രമ നമ്പർ		ജനനം	മരണം
1	മുൻ പരിശോധനയിൽ രജിസ്റ്റർ ചെയ്യാൻ ബാക്കിയുണ്ടായിരുന്ന റിപ്പോർട്ടുകളുടെ എണ്ണം		
2	പുതുതായി ലഭിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം		
3	പരിശോധനാ കാലയളവിൽ നടത്തിയ രജിസ്ട്രേഷനുകളുടെ എണ്ണം		
4	രജിസ്ട്രേഷൻ നിരസിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം		
5	രജിസ്ട്രേഷൻ നടത്താൻ ബാക്കിയുള്ള റിപ്പോർട്ടുകളുടെ എണ്ണം		

13. ജനന രജിസ്ട്രേഷനിൽ പേരു ചേർക്കൽ സംബന്ധിച്ച വിവരങ്ങൾ

(എ) രജിസ്ട്രേഷൻ തീയതി മുതൽ ഒരു വർഷത്തിനകം പേരു ചേർത്തവയുടെ എണ്ണം

(ബി) ഒരു വർഷത്തിനു ശേഷം പേരു ചേർത്തവയുടെ എണ്ണം

(1) 01.04.1970-നു മുമ്പുള്ള രജിസ്ട്രേഷനുകളുടെ എണ്ണം

(2) 01.04.1970-നു ശേഷമുള്ള രജിസ്ട്രേഷനുകളുടെ എണ്ണം

(സി) പേരു ചേർക്കൽ നടപടികൾ സംബന്ധിച്ച് പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിപ്പോർട്ട്

14. രജിസ്ട്രാർ ജനറലിന്റെ നിർദ്ദേശപ്രകാരം ജനന മരണ രജിസ്റ്ററുകൾ എഴുതി സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

15. രജിസ്ട്രേഷനുകളിലെ തിരുത്തലുകൾ സംബന്ധിച്ച വിവരം

(1) പരിശോധനാ കാലയളവിലെ തിരുത്തലുകൾ

തിരുത്തൽ വരുത്തിയ രജി.നം.	തിരുത്തൽ വരുത്തിയ ഉൾക്കുറിപ്പ് ഏത്	തിരുത്തലിനു മുമ്പുള്ള ഉൾക്കുറിപ്പ്	തിരുത്തലിനു ശേഷമുള്ള ഉൾക്കുറിപ്പ്	അടിസ്ഥാനമായി സ്വീകരിച്ച രേഖ

തിരുത്തൽ അനുവദിച്ച ഉത്തരവു നമ്പരും തീയതിയും	തിരുത്തൽ സംബന്ധിച്ച് ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ട് നൽകിയോ	റിമാർക്സ്

(2) തിരുത്തലുകൾ സംബന്ധിച്ച് ചട്ടം 11 (3) പ്രകാരം റിപ്പോർട്ട് സമർപ്പിച്ചിട്ടുണ്ടോ എന്ന വിവരം

(3) മന:പൂർവ്വം തെറ്റായ വിവരം ഉൾപ്പെടുത്തിയതു സംബന്ധിച്ച് ചട്ടം 11 (4) പ്രകാരം ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ടു ചെയ്ത കേസുകളുടെ വിവരം

16. പരിശോധനാ കാലയളവിൽ നടത്തിയ തെരച്ചിലുകൾ സംബന്ധിച്ച വിവരം

ക്രമ നമ്പർ		ജനനം	മരണം
1	17-ാം വകുപ്പു പ്രകാരം നൽകിയ സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം		
2	നൽകിയ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം		
3	തീർപ്പാക്കാനുള്ള അപേക്ഷകളുടെ എണ്ണം		
4.	പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിമാർക്സ്		

17. ശിക്ഷാ നടപടികൾ സംബന്ധിച്ച വിവരം

(1) വിവരം നൽകാത്തതിന് സ്വീകരിച്ച പ്രോസിക്യൂഷനുകളുടെ എണ്ണം

(2) തെറ്റായ വിവരം നൽകിയതിന് സ്വീകരിച്ച പ്രോസിക്യൂഷനുകളുടെ എണ്ണം

(3) മറ്റു നിയമ നടപടികളുടെ വിവരം

(4) 24-ാം വകുപ്പു പ്രകാരം രാജിയാക്കിയ കുറ്റങ്ങളുടെ വിവരം

18. ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് കോടതികളിൽ നിലവിലുള്ള കേസുകളുടെ വിവരം

19. (1) ഈടാക്കിയ ഫീസുകളുടെ വിവരം

ക്രമ നമ്പർ	ഇനം	ജനനം	മരണം	ആകെ
1	തെരച്ചിൽ ഫീസ്			
2	പകർപ്പു ഫീസ് (സർട്ടിഫിക്കറ്റിന്)			
3	നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റിന്			
4	പേരു ചേർക്കൽ - ലേറ്റ് ഫീ			
5	സെക്ഷൻ 13 (1) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
6	സെക്ഷൻ 13 (2) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
7	സെക്ഷൻ 13 (3) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
	ആകെ			

(2) ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് വരവു രജിസ്റ്റർ സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

20. അപേക്ഷകളിലെ നടപടി സംബന്ധിച്ച വിവരം

(1) ലഭിക്കുന്ന അപേക്ഷകളുടെയും ജനന മരണ റിപ്പോർട്ടുകളുടെയും രജിസ്റ്റർ സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

(2) നടപടി സ്വീകരിക്കാൻ ബാക്കിയുള്ള അപേക്ഷകളുടെ എണ്ണവും അവ ലഭിച്ച തീയതിയും

(3) മതിയായ രേഖകളുടെ അഭാവത്തിൽ തീർപ്പാക്കാത്ത അപേക്ഷകളുടെ വിവരം

(4) അപേക്ഷകർക്ക് യഥാസമയം മറുപടി നൽകുന്നുണ്ടോ എന്ന വിവരം

21. മുൻപരിശോധനാ റിപ്പോർട്ടുകളിലെ നടപടികൾ സംബന്ധിച്ച വിവരം

(1) ലഭിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(2) നടപടി സ്വീകരിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(3) നടപടി പൂർത്തീകരിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(4) അപാകതകൾ ആവർത്തിക്കാതിരിക്കാൻ നടപടി സ്വീകരിച്ചിട്ടുണ്ടോ എന്ന വിവരം

(5) അഭിപ്രായക്കുറിപ്പ്

22. മരണകാരണ സർട്ടിഫിക്കറ്റ് സ്കീം (MCCD) സംബന്ധിച്ച വിവരം

(1) സ്കീം നടപ്പാക്കിയിട്ടുണ്ടോ എന്ന വിവരം

(2) എത്ര ആശുപത്രികളിൽ നടപ്പാക്കിയിട്ടുണ്ട്. ?

(3) സ്കീം അനുശാസിക്കുന്ന രീതിയിൽ നടപ്പിലാക്കുന്നുണ്ടോ എന്ന വിവരം

23. ജനന മരണ രജിസ്ട്രേഷൻ സംവിധാനത്തിന്റെ പ്രചാരണത്തിനായി രജിസ്ട്രേഷൻ യൂണിറ്റ് സ്വീകരിച്ച നടപടി സംബന്ധിച്ച വിവരം

24. രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നടപ്പാക്കിയ മാതൃകാപരമായ ഏതെങ്കിലും പ്രവർത്തനം ഉൾപ്പെടെ അതിന്റെ വിവരം

25. പൊതുവായ അഭിപ്രായക്കുറിപ്പ്

പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ പേര്

ജനന - മരണ രജിസ്ട്രേഷൻ - കമ്പ്യൂട്ടർവൽക്കരണം - നടപടിക്രമങ്ങൾ സംബന്ധിച്ച സർക്കുലർ

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ - കമ്പ്യൂട്ടർവൽക്കരണം - നടപടിക്രമങ്ങൾ സംബന്ധിച്ച നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന:- 20.09.2007-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ശില്പശാലയിലെ നിർദ്ദേശങ്ങൾ

ജനന-മരണ-ഹിന്ദു വിവാഹ രജിസ്ട്രേഷൻ പ്രവർത്തനങ്ങൾ നഗരസഭകളിൽ പൂർണ്ണമായും കമ്പ്യൂട്ടർവൽക്കരിക്കുകയും ഗ്രാമ പഞ്ചായത്തുകളിൽ കമ്പ്യൂട്ടർവൽക്കരണം പൂർത്തിയാക്കുന്നതിനുള്ള നടപടികൾ പുരോഗമിച്ചുവരികയുമാണ്. കൂടാതെ, ജനങ്ങൾക്ക് കൂടുതൽ വേഗത്തിൽ സേവനം ലഭ്യമാക്കുന്നതിനുദ്ദേശിച്ചുള്ള ഹോസ്പിറ്റൽ കിയോസ്ക് സംവിധാനം വിവിധ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഏർപ്പെടുത്തിയിട്ടുമുണ്ട്. സംസ്ഥാനത്തൊട്ടാകെ ഏകീകൃതവും ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിനും ചട്ടങ്ങൾക്കും അനുസൃതവുമായ നടപടിക്രമങ്ങൾ നിലനിർത്തുന്നതിന് കമ്പ്യൂട്ടർവൽകൃത സംവിധാനത്തിലെ നടപടിക്രമങ്ങളെ സംബന്ധിച്ച് പൊതുവായ മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കേണ്ടത് ആവശ്യമാണെന്ന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ സാഹചര്യത്തിൽ, കമ്പ്യൂട്ടർവൽകൃത സംവിധാനത്തിൽ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ സ്വീകരിക്കേണ്ട നടപടിക്രമങ്ങൾ സംബന്ധിച്ച് താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ നൽകുന്നു.

1. രജിസ്ട്രേഷൻ

1.1 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെയും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾ അനുസരിച്ച് 1,2,3 നമ്പർ ഫാറങ്ങളിലുള്ള ജനന / മരണ / നിർജ്ജീവജനന റിപ്പോർട്ടുകളുടെ ലീഗൽ പാർട്ട് രജിസ്ട്രാർ ഒപ്പിട്ട് രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടതാണ്. കമ്പ്യൂട്ടർവൽക്കരിച്ച രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ റിപ്പോർട്ട് ഫാറത്തിലെ വിവരങ്ങൾ കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തി രജിസ്ട്രാർ അംഗീകരിക്കുന്ന തീയതിയിൽത്തന്നെ റിപ്പോർട്ട് ഫാറത്തിലും രജിസ്ട്രേഷൻ നമ്പരും തീയതിയും രേഖപ്പെടുത്തി രജിസ്ട്രാർ അല്ലെങ്കിൽ സബ് രജിസ്ട്രാർ ഒപ്പുവയ്ക്കേണ്ടതും ഇപ്രകാരമുള്ള രജിസ്ട്രേഷനുകൾ ബൈന്റു ചെയ്ത് സൂക്ഷിക്കേണ്ടതുമാണ്.

2. ഹോസ്പിറ്റൽ കിയോസ്ക്

2.1 ഹോസ്പിറ്റൽ കിയോസ്കുകളിൽ റിപ്പോർട്ടിൽ ചേർക്കേണ്ട വിവരങ്ങൾ നിർദ്ദിഷ്ട ഫാറങ്ങളുടെ മാതൃകയിൽ തയ്യാറാക്കി ആശുപത്രിയിലെ മെഡിക്കലാഫീസർ അല്ലെങ്കിൽ ചുമതലപ്പെട്ട വ്യക്തി മേലൊപ്പുവച്ച് കിയോസ്കിന്റെ ചുമതലക്കാരന് നൽകേണ്ടതാണ്.

2.2 റിപ്പോർട്ട് ഫാറത്തിലെ വിവരങ്ങൾ കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തിയ ശേഷം എടുക്കുന്ന പ്രിന്റൗട്ട്, വിവരം നൽകിയ വ്യക്തിയും ആശുപത്രി അധികൃതരും പരിശോധിച്ച് ആവശ്യമെങ്കിൽ തിരുത്തലുകൾ വരുത്തി ഒപ്പിട്ട് കിയോസ്കിൽ തിരികെ നൽകേണ്ടതാണ്.

2.3 പ്രിന്റൗട്ടിൽ സാക്ഷ്യപ്പെടുത്തി നൽകുന്ന തിരുത്തലുകൾക്കനുസൃതമായി കമ്പ്യൂട്ടറിൽ തയ്യാറാക്കിയ റിപ്പോർട്ടിൽ മാറ്റം വരുത്തിയശേഷം പുതിയ പ്രിന്റെടുത്ത് നൽകേണ്ടതും ഇതിൽ വിവരം നൽകിയ വ്യക്തിയുടെ ഒപ്പും ആശുപത്രിയിലെ ചുമതലക്കാരന്റെ മേലൊപ്പും വാങ്ങി രജിസ്ട്രേഷൻ യൂണിറ്റിലേയ്ക്ക് നൽകേണ്ടതുമാണ്.

2.4 ആശുപത്രി അധികൃതരുടെ സാക്ഷ്യപ്പെടുത്തൽ കൂടാതെ, കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തിയ റിപ്പോർട്ടിൽ യാതൊരു മാറ്റവും വരുത്താൻ പാടില്ല.

2.5 ആശുപത്രി കിയോസ്കിൽ നിന്ന് ടെലഫോൺ ലൈൻ വഴിയോ, അത് സാദ്ധ്യമാകാത്ത സാഹചര്യത്തിൽ സി.ഡി., ഫ്ളോപ്പി ഡിസ്ക്, പെൻഡ്രൈവ് തുടങ്ങിയവ ഉപയോഗിച്ചോ രജിസ്ട്രേഷൻ യൂണിറ്റിലേക്ക് റിപ്പോർട്ട് അയയ്ക്കേണ്ടതാണ്. അതോടൊപ്പം ഖണ്ഡിക 2.3 ൽ നിർദ്ദേശിച്ചതുപോലെ റിപ്പോർട്ടുകളുടെ കമ്പ്യൂട്ടർ പ്രിന്റൗട്ടിൽ വിവരം നൽകുന്നയാളും ആശുപത്രി അധികൃതരും ഒപ്പിട്ട് അതതു ദിവസം തന്നെ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നൽകേണ്ടതാണ്.

2.6 കിയോസ്കിൽ നിന്ന് മേൽപ്പറഞ്ഞ പ്രകാരം ലഭിക്കുന്ന ഇലക്ട്രോണിക് ഡാറ്റ, രജിസ്ട്രാർ അംഗീകരിച്ച് രജിസ്റ്റർ ചെയ്യുന്നതോടൊപ്പം ഖണ്ഡിക 2.3 പ്രകാരം വിവരം നൽകുന്നയാൾ ഒപ്പിട്ട് ആശുപത്രി അധികൃതർ മേലൊപ്പു വച്ച് നൽകുന്ന റിപ്പോർട്ട് (പ്രിന്റൗട്ട്) രജിസ്ട്രാർ അല്ലെങ്കിൽ സബ് രജിസ്ട്രാർ ഒപ്പുവച്ച് നിയമാനുസൃത രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടതാണ്.

3. സർട്ടിഫിക്കറ്റ്

3.1 രജിസ്ട്രേഷൻ നടത്തിക്കഴിഞ്ഞാലുടൻ തന്നെ 12-ാം വകുപ്പനുസരിച്ചുള്ള സർട്ടിഫിക്കറ്റ് തയ്യാറാക്കി രജിസ്ട്രാർ / സബ് രജിസ്ട്രാർ ഒപ്പിട്ട്, വിവരം നൽകുന്നയാൾക്ക് നൽകേണ്ടതാണ്.

3.2 ആശുപത്രികളിൽ നിന്ന് റിപ്പോർട്ടു ചെയ്യുന്ന ജനന മരണങ്ങളുടെ സർട്ടിഫിക്കറ്റ്, രജിസ്ട്രേഷൻ പൂർത്തിയാക്കി അന്നേ ദിവസം തന്നെ ആശുപത്രി അധികൃതർക്കു നൽകേണ്ടതാണ്.

3.3 12-ാം വകുപ്പു പ്രകാരമുള്ള സർട്ടിഫിക്കറ്റുകൾ, റിപ്പോർട്ടു നൽകിയ തീയതിമുതൽ മുപ്പതു ദിവസത്തിനകം കൈപ്പറ്റിയില്ലെങ്കിൽ അവ ചട്ടങ്ങളിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള പ്രകാരം ബന്ധപ്പെട്ട കുടുംബത്തിന് തപാലിൽ അയച്ചു കൊടുക്കേണ്ടതാണ്.

3.4 രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നേരിട്ടു ലഭിക്കുന്ന റിപ്പോർട്ടുകളുടെ സർട്ടിഫിക്കറ്റുകൾ രജിസ്ട്രാറും, ആശുപത്രികളും മറ്റു സ്ഥാപനങ്ങളും റിപ്പോർട്ടു ചെയ്യുന്നവയുടെ സർട്ടിഫിക്കറ്റുകൾ ബന്ധപ്പെട്ട സ്ഥാപനവും ഖണ്ഡിക 3.3 പ്രകാരം അയച്ചുകൊടുക്കേണ്ടതാണ്. എന്നാൽ, സർക്കാർ ആശുപത്രികളിൽ സർട്ടിഫിക്കറ്റ് അയച്ചുകൊടുക്കുന്നതിന് പ്രായോഗിക ബുദ്ധിമുട്ടുള്ള പക്ഷം ആശുപത്രി അധികൃതരും തദ്ദേശ സ്വയംഭരണ സ്ഥാപനവുമായുള്ള ധാരണയുടെ അടിസ്ഥാനത്തിൽ പ്രസ്തുത ചുമതല തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിന് ഏറ്റെടുക്കാവുന്നതാണ്. ഇതിനായി, 30 ദിവസത്തിനകം കൈപ്പറ്റാത്ത സർട്ടിഫിക്കറ്റുകൾ ആശുപത്രി അധികൃതർ രജിസ്ട്രാർക്ക് കൈമാറേണ്ടതാണ്.

3.5 സെക്ഷൻ 12 പ്രകാരമുള്ള സർട്ടിഫിക്കറ്റുകൾ റിപ്പോർട്ടിംഗ് തീയതി മുതൽ 30 ദിവസത്തിനകം അതതു സംഗതിപോലെ ആശുപത്രിയിൽ അല്ലെങ്കിൽ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നിന്ന് കൈപ്പറ്റണമെന്ന അറിയിപ്പ് രജിസ്ട്രേഷൻ യൂണിറ്റിലും ആശുപത്രികളിലും കിയോസ്കുകളിലും പ്രദർശിപ്പിക്കേണ്ടതാണ്. കൂടാതെ നവജാത ശിശുക്കൾക്ക് നൽകുന്ന ഹെൽത്ത് കാർഡ് / പ്രതിരോധ കുത്തിവയ്പ് കാർഡിൽ താഴെപ്പറയും വിധം ഒരു സന്ദേശം കൂടി പ്രിന്റ് ചെയ്യാവുന്നതാണ്.

* കുട്ടിയുടെ ജനന സർട്ടിഫിക്കറ്റ് 30 ദിവസത്തിനകം ആശുപത്രിയിൽ നിന്ന് കൈപ്പറ്റുക.

* ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേര് ഉൾപ്പെടുത്തിക്കിട്ടാൻ 12 മാസത്തിനകം ജനന മരണ രജിസ്ട്രാർ മുമ്പാകെ അപേക്ഷ നൽകുക.

4. സ്റ്റാറ്റിസ്റ്റിക്കൽ റിപ്പോർട്ട്

4.1 ജനന മരണ നിർജ്ജീവ ജനന റിപ്പോർട്ടുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് ജില്ലാ സ്റ്റാറ്റിസ്റ്റിക്കൽ ഡെപ്യൂട്ടി ഡയറക്ടർക്ക് ഓൺലൈനായി നൽകുന്നതിനുള്ള സംവിധാനം നിലവിൽ വരുന്നതുവരെ ഫാറം 11,12,13 ഇവയിലുള്ള പ്രതിമാസ സമ്മറി റിപ്പോർട്ട് സഹിതം ഇലക്ട്രോണിക് ഡാറ്റയായി സി.ഡി. അഥവാ ഫ്ളോപ്പിയിൽ തൊട്ടടുത്ത മാസം 5-ാം തീയതിക്കകം നൽകേണ്ടതാണ്.

4.2 സമ്മറി റിപ്പോർട്ടിന്റെ ഒരു പ്രിന്റൗട്ട്, സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടുകൾ സ്റ്റാറ്റിസ്റ്റിക്സ് ഡെപ്യൂട്ടി ഡയറക്ടർക്കു നൽകിയെന്ന സർട്ടിഫിക്കറ്റ് സഹിതം നഗരസഭകൾ ചീഫ് രജിസ്ട്രാർക്കും ഗ്രാമ പഞ്ചായത്തുകൾ ജില്ലാ രജിസ്ട്രാർക്കും നൽകേണ്ടതാണ്.

5. വിവാഹ രജിസ്ട്രേഷൻ

5.1 കമ്പ്യൂട്ടർവൽക്കരിച്ച രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഫാറം നമ്പർ 1-ൽ നൽകുന്ന വിവാഹ റിപ്പോർട്ടുകൾ അന്വേഷിച്ച് ബോദ്ധ്യപ്പെട്ട് രജിസ്ട്രാർ അംഗീകരിച്ച് രജിസ്ട്രേഷൻ നടത്തിയ ശേഷം പ്രസ്തുത രജിസ്ട്രേഷന്റെ പ്രിന്റൗട്ട്, ഫാറം നമ്പർ 2-ന്റെ മാതൃകയിൽ എടുത്ത് രജിസ്ട്രാർ ഒപ്പിട്ട് ചട്ടപ്രകാരമുള്ള രജിസ്റ്ററായി ബൈന്റു ചെയ്ത് സൂക്ഷിക്കേണ്ടതാണ്.

5.2 വിവാഹ റിപ്പോർട്ട് ഫാറത്തിന്റെ അസൽ രജിസ്ട്രാർ ഒപ്പുവെച്ച് സ്ഥിരരേഖയായി ബൈന്റുചെയ്ത് സൂക്ഷിക്കേണ്ടതും രണ്ടാം പകർപ്പ് രജിസ്ട്രാർ ജനറലിന് അയച്ചുകൊടുക്കേണ്ടതുമാണ്.

ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ പാലിക്കുന്നുവെന്ന് എല്ലാ രജിസ്ട്രാർമാരും ജില്ലാ രജിസ്ട്രാർമാരും നഗരസഭാ സെക്രട്ടറിമാരും ഉറപ്പുവരുത്തേണ്ടതാണ്. [പഞ്ചായത്ത് ഡയറക്ട്രേറ്റ്, നമ്പർ ബി 1-20129/07 തിരുവനന്തപുരം, തീയതി 16-01-2008].

ജനന-മരണ രജിസ്ട്രേഷൻ - നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് അനുവദിക്കുന്നതിനുള്ള അന്വേഷണം - സംബന്ധിച്ച സർക്കുലർ

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ - നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് അനുവദിക്കുന്നതിനുള്ള അന്വേഷണം - മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന:- ചീഫ് രജിസ്ട്രാറുടെ 19/04/2007-ലെ ബി1 6141/2007-നമ്പർ സർക്കുലർ

1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 17-ാം വകുപ്പും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 13(3)-ാം ചട്ടവും അനുസരിച്ച്, ഒരു ജനനമോ മരണമോ രജിസ്ട്രേഷൻ ചെയ്തിട്ടില്ലെങ്കിൽ ഫാറം നമ്പർ 10-ൽ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് അനുവദിക്കണമെന്ന് വ്യവസ്ഥ ചെയ്തിരിക്കുന്നു. താമസിച്ചുള്ള രജിസ്ട്രേഷന് നൽകുന്ന അപേക്ഷയോടൊപ്പം നിർബന്ധമായും ഹാജരാക്കേണ്ട നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് അനുവദിക്കുമ്പോൾ പാലിക്കേണ്ട നടപടിക്രമങ്ങൾ സംബന്ധിച്ച് സൂചന സർക്കുലർ മുഖേന നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുള്ളതാണ്. എന്നാൽ, യഥാർത്ഥ വിവരം മറച്ചുവച്ച്, ബന്ധപ്പെട്ട വ്യക്തിയെ സംബന്ധിക്കുന്ന മറ്റു രേഖകളിൽ കാണിച്ചിട്ടുള്ള ജനനസ്ഥലത്തെ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ രജിസ്ട്രേഷനായി അപേക്ഷ സമർപ്പിക്കുകയും യഥാർത്ഥ ജനനസ്ഥലം സംഗതിയിൽ ജനനം പ്രസ്തുത യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്തിട്ടുണ്ടോ എന്ന് ആരായുന്നതിന് കൃത്യമായി മറുപടി ലഭിക്കാറില്ലെന്നും ഇക്കാര്യത്തിൽ ആവശ്യമായ നിർദ്ദേശം നൽകണമെന്നും ചില രജിസ്ട്രാർമാർ ആവശ്യം ഉന്നയിച്ചിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ വസ്തുത നിയമ വ്യവസ്ഥയുടെയും രജിസ്ട്രാർ ജനറലും ചീഫ് രജിസ്ട്രാറും പുറപ്പെടുവിച്ചിട്ടുള്ള മാർഗ്ഗനിർദ്ദേശങ്ങളുടെയും അടിസ്ഥാനത്തിൽ പരിശോധിച്ചതിൽ, ഇപ്രകാരം രജിസ്ട്രാർമാർ തമ്മിൽ നടത്തുന്ന ആശയവിനിമയം രജിസ്ട്രേഷനിലെ വിവരങ്ങളുടെ കൃത്യത ഉറപ്പു വരുത്തുന്നതിന് സഹായകരമാകുമെന്ന് ബോദ്ധ്യപ്പെട്ടതിനാൽ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റിനുള്ള അപേക്ഷകളിൽ നടപടി സ്വീകരിക്കുന്നതിനായി ഒരു ജനന മരണ രജിസ്ട്രാർ മറ്റൊരു യൂണിറ്റിൽ ആവശ്യപ്പെട്ടാൽ പ്രസ്തുത ജനനം അല്ലെങ്കിൽ മരണം ആ യൂണിറ്റിലെ ബന്ധപ്പെട്ട രജിസ്റ്ററിൽ ഉൾപ്പെട്ടിട്ടുണ്ടോ എന്ന് പരിശോധിച്ച് മറുപടി നൽകേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുന്നു. ജനന/മരണ രജിസ്ട്രേഷന് അനുമതി നൽകുന്നതിനുള്ള അന്വേഷണത്തിന്റെ ഭാഗമായി സബ് ഡിവിഷനിൽ രജിസ്ട്രേറ്റുമാർ ആവശ്യപ്പെടുന്ന സംഗതികളിലും ഇപ്രകാരം മറുപടി നൽകേണ്ടതാണ്. എന്നാൽ, ഇപ്രകാരം ജനനം/മരണം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന് മറുപടി നൽകുന്നത് ചട്ടം 13(3) പ്രകാരമുള്ള നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ആയി പരിഗണിക്കാൻ പാടില്ലാത്തതാണ്.

ജനനമോ മരണമോ മറ്റൊരു യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്തിരിക്കാൻ സാധ്യതയുള്ളതായി അന്വേഷണത്തിൽ സംശയമുണ്ടാകുന്ന കേസുകളിൽ മാത്രം പ്രസ്തുത യൂണിറ്റിൽ അന്വേഷണം നടത്തുന്നതിനും അത്തരം അന്വേഷണങ്ങൾക്ക് കഴിവതും വേഗം മറുപടി നൽകുന്നതിനും എല്ലാ രജിസ്ട്രാർമാരും ശ്രദ്ധിക്കേണ്ടതാണ്.

എല്ലാ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലും ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ കർശനമായി പാലിക്കുന്ന

തിനാവശ്യമായ നടപടികൾ ബന്ധപ്പെട്ട എല്ലാ രജിസ്ട്രാർമാരും ജില്ലാ രജിസ്ട്രാർമാരും സ്വീകരിക്കേണ്ടതാണ്. [പഞ്ചായത്ത് ഡയറക്ടേറ്റ് നമ്പർ ബി 1-6141/07, തിരുവനന്തപുരം, തീയതി 25-06-2008].

ജനന രജിസ്റ്ററുകളിൽ പേരു ചേർക്കുമ്പോൾ ഇനിഷ്യലിന്റെ വികസിതരൂപം ചേർത്തു നൽകുന്നതു സംബന്ധിച്ച സർക്കുലർ

വിഷയം:- ജനന മരണ രജിസ്ട്രേഷൻ - ജനന രജിസ്റ്ററുകളിൽ പേരു ചേർക്കുമ്പോൾ ഇനിഷ്യലിന്റെ വികസിതരൂപം ചേർത്തു നൽകുന്നതു സംബന്ധിച്ച്

സൂചന:- 1. ചീഫ് രജിസ്ട്രാറുടെ 20.3.07 ലെ ബി1-2815/07 നം. സർക്കുലർ
2. രജിസ്ട്രാർ ജനറൽ ഇന്ത്യയുടെ 05-06-07-ലെ നമ്പർ കത്ത്

ജനനരജിസ്റ്ററുകളിൽ കുട്ടിയുടെയും മാതാപിതാക്കളുടെയും പേരുകൾ ചേർത്തിട്ടുള്ളതിൽ ഇനിഷ്യലുകൾ വികസിപ്പിച്ചുള്ള തിരുത്തലുകൾ അനുവദനീയമല്ലെന്ന് സൂചന (1)-ലെ സർക്കുലർ മുഖേന ചീഫ് രജിസ്ട്രാർ വ്യക്തമാക്കിയിട്ടുള്ളതാണ്. ഇനിഷ്യൽ വികസിപ്പിക്കുന്നത് പേരിലെ മാറ്റം തന്നെ ആയതിനാൽ ജനനമരണ രജിസ്ട്രേഷൻ ആക്ടിലെ 15-ാം വകുപ്പ് പ്രകാരം ഇത് അനുവദിക്കാവുന്നതല്ലെന്ന് സൂചന (2) പ്രകാരം രജിസ്ട്രാർ ജനറൽ അറിയിച്ചിട്ടുണ്ട്. ഈ നിർദ്ദേശങ്ങളുടെ അടിസ്ഥാനത്തിൽ, ജനന രജിസ്റ്ററിൽ പേരു ചേർക്കുമ്പോൾ സ്ക്കൂൾ രേഖ പ്രകാരമുള്ള പേര് അതേ രീതിയിൽ മാത്രമേ രജിസ്ട്രാർമാർ ചേർത്ത് നൽകുന്നുള്ളൂ. എന്നാൽ, പാസ്പോർട്ട് ഉൾപ്പെടെയുള്ള പല ഔദ്യോഗിക രേഖകളിലും വ്യക്തികളുടെ പേരിലെ ഇനിഷ്യൽ ഉപയോഗിക്കാൻ പാടില്ലെന്ന് നിഷ്ക്കർഷിക്കുന്ന സാഹചര്യത്തിൽ ഇത് ജനങ്ങൾക്ക് ബുദ്ധിമുട്ടുണ്ടാക്കുന്നുണ്ട്.

മേൽപ്പറഞ്ഞ സാഹചര്യത്തിൽ, ജനന രജിസ്ട്രേഷനുകളിൽ ആദ്യമായി പേരു ചേർക്കുമ്പോഴും ജനന റിപ്പോർട്ടുകളിൽ മാതാപിതാക്കളുടെ പേര് രേഖപ്പെടുത്തുമ്പോഴും സ്ക്കൂൾ രേഖയിലോ, മറ്റ് ഔദ്യോഗിക രേഖകളിലോ ഉപയോഗിച്ചിട്ടുള്ള പേരിലെ ഇനിഷ്യലിന്റെ വികസിതരൂപം രജിസ്റ്ററിൽ ചേർക്കുന്നതിന് ആവശ്യപ്പെടുന്ന പക്ഷം അത് അനുവദിക്കാവുന്നതാണെന്ന് വ്യക്തമാക്കുന്നു. എന്നാൽ ഒരു തവണ രജിസ്റ്ററിൽ ചേർത്തിട്ടുള്ള പേരിലെ ഇനിഷ്യൽ വികസിപ്പിക്കുന്നതിനോ സർനെയിം ചുരുക്കുന്നതിനോ പിന്നീട് സമർപ്പിക്കുന്ന അപേക്ഷകൾ അനുവദിക്കാവുന്നതല്ല.

മേൽപ്പറഞ്ഞ നിർദ്ദേശങ്ങൾക്ക് കഴിയുന്ത്ര പ്രചാരം നൽകുന്നതിനും അവ നടപ്പാക്കുന്നതിനും എല്ലാ രജിസ്ട്രാർമാരും ശ്രദ്ധിക്കേണ്ടതാണ്. [പഞ്ചായത്ത് ഡയറക്ടറുടെ കാര്യാലയം, നമ്പർ ബി1-253880/08, തിരുവനന്തപുരം, തീയതി 3-09-2008].

ജനന-മരണ-വിവാഹ രജിസ്ട്രേഷൻ - 1970 മുതലുള്ള മുൻകാലരേഖകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം

വിഷയം:- തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ - ജനന-മരണ-വിവാഹ രജിസ്ട്രേഷൻ - 1970 മുതലുള്ള മുൻകാലരേഖകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം - പുതുക്കിയ മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന:- 1. ജി.ഒ. (എം.എസ്) നം. 9/2004/പ്ലാനിംഗ് തീയതി 16.2.2004.
2. അർദ്ധ ഔദ്യോഗിക കത്ത് നം. 1546/06/തസ്വഭവ (യു) തീയതി 24.03.2006.
3. കോ-ഓർഡിനേഷൻ കമ്മിറ്റിയുടെ 29.12.09-ലെ യോഗത്തിന്റെ 269-ാം നമ്പർ തീരുമാനം.

ജനന-മരണ-വിവാഹ രജിസ്ട്രേഷനുകൾ കമ്പ്യൂട്ടറൈസ് ചെയ്യുന്നതിനും സർട്ടിഫിക്കറ്റുകൾ വിതരണം ചെയ്യുന്നതിനുമുള്ള നടപടി ഇതിനകം എല്ലാ നഗരസഭകളിലും ഒട്ടുമിക്ക ഗ്രാമ പഞ്ചായത്തുകളിലും നടപ്പിലാക്കിക്കഴിഞ്ഞു. മറ്റു തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലും കമ്പ്യൂട്ടറൈസ്ഡ് രജിസ്ട്രേഷൻ സംവിധാനം നടപ്പാക്കുന്നതിനുള്ള പ്രവർത്തനം പൂർത്തിയായി വരുന്നു. ഇപ്രകാരം രജിസ്ട്രേഷനുകൾ സുതാര്യവും കുറ്റമറ്റതും ആക്കുന്നതിനും യഥാസമയം സർട്ടിഫിക്കറ്റുകൾ വിതരണം ചെയ്യുന്നതിലൂടെ മെച്ചപ്പെട്ട സേവനം നൽകുന്നതിനും തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് സാധിക്കുന്നതാണ്. എന്നാൽ 1970 മുതലുള്ള മുൻകാല റിക്കാർഡുകൾ കൂടി കമ്പ്യൂട്ടറൈസ് ചെയ്താൽ മാത്രമേ പൂർണ്ണമായും കമ്പ്യൂട്ടർവൽക്കൃതമായി സർട്ടിഫിക്കറ്റുകൾ എളുപ്പത്തിൽ നൽകാൻ കഴിയുകയുള്ളൂ.

സൂചന (1) സർക്കാർ ഉത്തരവ് പ്രകാരം തിരുവനന്തപുരം, മലപ്പുറം, കാസർഗോഡ് ജില്ലകളിലെ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ജനന- മരണ-വിവാഹ രജിസ്ട്രേഷൻ സംബന്ധമായ മുൻകാല വിവരങ്ങൾ കമ്പ്യൂട്ടറൈസ് ചെയ്യുവാൻ ഇൻഫർമേഷൻ കേരള മിഷന് അനുവാദം നൽകി മാർഗ്ഗരേഖകൾ പുറപ്പെടുവിച്ചിരുന്നു. റിക്കാർഡ് ഒന്നിന് 4 രൂപ നിരക്കിൽ പദ്ധതി വിഹിതത്തിൽ ഉൾപ്പെടുത്തുവാനും ടി തുക ഇൻഫർമേഷൻ കേരള മിഷന് മുൻകൂർ നൽകാനും തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് അനുമതിയും നൽകിയിരുന്നു.

സൂചന രണ്ടിലെ നിർദ്ദേശപ്രകാരം വിവിധ നഗരസഭകളിലും മുൻകാല ജനന റിപ്പോർട്ടുകളുടെ കമ്പ്യൂട്ടറൈസേഷൻ പ്രവർത്തനങ്ങൾ നടന്നുവരുന്നുണ്ട്.

നിലവിലുള്ള നടപടിക്രമങ്ങൾ ലളിതവത്ക്കരിച്ച് സോഫ്റ്റ് വെയറിൽ മതിയായ മാറ്റങ്ങൾ വരുത്തിയതായി ഇൻഫർമേഷൻ കേരള മിഷൻ അറിയിച്ചിട്ടുണ്ട്. കമ്പ്യൂട്ടറൈസേഷനായി 2004-ൽ തിട്ടപ്പെടുത്തിയ നിരക്കുകളിൽ കാലോചിതമായ മാറ്റം വരുത്തേണ്ടതുണ്ടെന്നും സിവിൽ രജിസ്ട്രേഷൻ മുൻകാല റിക്കാർഡുകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം എല്ലാ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലേക്കും വ്യാപിപ്പിക്കേണ്ടതാണെന്നും സർക്കാർ കരുതുന്നു.

ഇൻഫർമേഷൻ കേരള മിഷൻ ഇതിലേക്കായി സമർപ്പിച്ച ശുപാർശ കോ-ഓർഡിനേഷൻ കമ്മിറ്റിയുടെ 29.12.2008-ലെ യോഗം അംഗീകരിക്കുകയും, വിശദമായ മാർഗ്ഗരേഖ പുറപ്പെടുവിക്കുന്നതിന് സർക്കാരിലേക്ക് ശുപാർശ നൽകുകയും ചെയ്തു.

കോ-ഓർഡിനേഷൻ കമ്മിറ്റിയുടെ ശുപാർശ സർക്കാർ വിശദമായി പരിശോധിച്ചു. മുൻകാല സിവിൽ രജിസ്ട്രേഷൻ റിക്കാർഡുകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം അതാത് സ്ഥാപനങ്ങൾ തന്നെ എത്രയും വേഗം പൂർത്തിയാക്കുന്നതിനായി ചുവടെ ചേർക്കുന്ന മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1. സൂചന (1) സർക്കാർ ഉത്തരവ് പ്രകാരം നിശ്ചയിച്ച റിക്കാർഡ് ഒന്നിന് 4 രൂപ നിരക്ക് 6 രൂപയായി വർദ്ധിപ്പിക്കുന്നു.

2. എല്ലാ നഗരസഭകളും ഗ്രാമപഞ്ചായത്തുകളും 1970 മുതൽ കമ്പ്യൂട്ടർ സോഫ്റ്റ്വെയർ ഉപയോഗിച്ച് സിവിൽ രജിസ്ട്രേഷൻ ഓൺലൈൻ ആയ തീയതി വരെയുള്ള ജനന - മരണ - വിവാഹ റിക്കാർഡുകൾ കമ്പ്യൂട്ടറൈസ് ചെയ്യുന്നതിനായി മേൽപ്പറഞ്ഞ നിരക്കിൽ പ്രോജക്ട് തയ്യാറാക്കി DPC യുടെ അംഗീകാരത്തിന് സമർപ്പിക്കേണ്ടതാണ്. 2009-10 സാമ്പത്തിക വർഷത്തിലെ പൊതുവിഭാഗം പദ്ധതിയിൽ വികസന ഫണ്ടിൽ നിന്നോ തനതു ഫണ്ടിൽ നിന്നോ ജനറൽ പർപ്പസ് ഫണ്ടിൽ നിന്നോ ഇതിനായി തുക വകയിരുത്തേണ്ടതാണ്.

3. ഇൻഫർമേഷൻ കേരള മിഷന് ഇതിനകം 4 രൂപ നിരക്കിൽ തുക ഒടുക്കിയിട്ടുള്ള സ്ഥാപനങ്ങൾ ഇനിയും പൂർത്തിയാക്കാത്ത പ്രവർത്തികൾക്ക് വർദ്ധിപ്പിച്ച നിരക്കിലുള്ള ബാക്കി തുക ഒടുക്കേണ്ടതാണ്.

4. ഇൻഫർമേഷൻ കേരള മിഷൻ വികസിപ്പിച്ചെടുത്ത സേവന PDE മോഡ്യൂൾ ഉപയോഗിച്ച് അവരുടെ സാങ്കേതിക സഹായത്തോടുകൂടിയാണ് ഈ പ്രവർത്തനങ്ങൾ നടത്തേണ്ടത്.

5. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിൽ കമ്പ്യൂട്ടർ സൗകര്യം ലഭ്യമാണെങ്കിൽ ആ സംവിധാനത്തിൽ ഈ ജോലികൾ കുടുംബശ്രീ / അക്ഷയ യൂണിറ്റുകൾ മുഖേന ചെയ്യാവുന്നതാണ്. കുടുംബശ്രീ / അക്ഷയ യൂണിറ്റുകളുടെ സേവനം ലഭ്യമാകാത്ത സാഹചര്യത്തിൽ പകരം സംവിധാനം ഒരുക്കേണ്ടതാണ്.

6. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിൽ മതിയായ കമ്പ്യൂട്ടർ സൗകര്യം ലഭ്യമല്ലെങ്കിൽ ഡാറ്റാ എൻട്രി നടത്തുന്ന സ്ഥാപനം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിൽ കമ്പ്യൂട്ടറും അനുബന്ധ ഉപകരണങ്ങളും സ്ഥാപിച്ച് പ്രവൃത്തി നടത്തേണ്ടതാണ്.

7. സോഫ്റ്റ്വെയർ സംബന്ധമായ പരിശീലനം, സാങ്കേതിക സഹായം, ഗുണനിലവാര പരിശോധന എന്നിവ ഇൻഫർമേഷൻ കേരള മിഷൻ നിർവ്വഹിക്കേണ്ടതാണ്.

8. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ ഡാറ്റാ എൻട്രി നടത്തുന്ന സ്ഥാപനം / ഇൻഫർമേഷൻ കേരള മിഷൻ എന്നിവയുമായി പ്രോജക്ട് നടത്തിപ്പ് സംബന്ധമായ ധാരണാപത്രം ഒപ്പുവയ്ക്കേണ്ടതാണ്.

9. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിലെ ജനന-മരണ രജിസ്ട്രേഷൻ വിഭാഗത്തിലെ ഒരുദ്യോഗസ്ഥനെ പദ്ധതിയുടെ നോഡൽ ഓഫീസർ ആയി ചുമതലപ്പെടുത്തേണ്ടതാണ്. ബന്ധപ്പെട്ട സ്റ്റാൻഡിംഗ് കമ്മിറ്റി ചെയർമാൻ (ഗ്രാമ പഞ്ചായത്തിൽ ക്ഷേമകാര്യ സ്റ്റാൻഡിംഗ് കമ്മിറ്റി ചെയർമാനും നഗരസഭകളിൽ ആരോഗ്യ-വിദ്യാഭ്യാസ സ്റ്റാൻഡിംഗ് കമ്മിറ്റി ചെയർമാനും), രജിസ്ട്രാർ, നോഡൽ ഓഫീസർ, ബന്ധപ്പെട്ട ഏജൻസികളുടെ പ്രതിനിധികൾ എന്നിവർ അടങ്ങുന്ന സമിതി പദ്ധതി പ്രവർത്തനം മോണിറ്റർ ചെയ്യേണ്ടതാണ്. സമിതി നിശ്ചിത സമയങ്ങളിൽ വിളിച്ചുചേർക്കേണ്ട ചുമതല നോഡൽ ഓഫീസർക്കാണ്.

10. ഡേറ്റാ എൻട്രി പരിശോധന, ഗുണനിലവാര പരിശോധന എന്നിവ തീരുന്ന മുറയ്ക്ക് തന്നെ ഡേറ്റാ പ്രിന്റ് ഔട്ട് തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിന് ലഭ്യമാക്കേണ്ടതാണ്. ഡേറ്റയിലെ അപാകതകൾ സംബന്ധിച്ച് റിപ്പോർട്ടും ലഭ്യമാക്കണം. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിലെ ഉദ്യോഗസ്ഥർ പ്രസ്തുത പ്രിന്റ് ഔട്ടും റിപ്പോർട്ടുകളും പരിശോധിച്ച് അപാകതകൾ ശ്രദ്ധയിൽപ്പെടുത്തേണ്ടതും ആവശ്യമായ തിരുത്തലുകൾ ഡേറ്റാ ബേസിൽ വരുത്തിയെന്ന് ഉറപ്പാക്കേണ്ടതുമാണ്. ഡേറ്റാ എൻട്രിയിലെ തെറ്റുകളാണ് ഇപ്രകാരം തിരുത്തേണ്ടത്. രജിസ്റ്ററിലെ വസ്തുതാപരമോ യുക്തിസഹമല്ലാത്തതോ ആയ തെറ്റുകൾ രജിസ്ട്രേഷൻ നിയമങ്ങൾക്ക് വിധേയമായി ഒറിജിനൽ രജിസ്ട്രേഷനിൽ തിരുത്തൽ വരുത്തിയശേഷം മാത്രമേ ഡാറ്റാ ബേസിൽ തിരുത്തുവാൻ പാടുള്ളൂ.

11. മേൽപ്പറഞ്ഞ പ്രവർത്തനങ്ങൾ പൂർത്തിയാക്കി രജിസ്ട്രാർ അഗീകരിക്കുന്ന മുറയ്ക്ക് ഇൻഫർമേഷൻ കേരള മിഷൻ സേവന ഡേറ്റ ബേസിലേക്ക് ഇത് സംയോജിപ്പിക്കേണ്ടതാണ് (ഡേറ്റ പോർട്ടിംഗ്) ഡേറ്റ സംബന്ധമായ അപാകതകളും ഡേറ്റയുടെ കൃത്യതയും ജനന മരണ രജിസ്ട്രാർ ഉറപ്പുവരുത്തേണ്ടതാണ്.

ക്രമ നം.	
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12. ഡേറ്റാ പ്രിന്റൗട്ടും ഡേറ്റയിലെ അപാകതകൾ സംബന്ധിച്ച റിപ്പോർട്ടും രജിസ്ട്രാർക്ക് ലഭിച്ചുകഴിഞ്ഞാൽ വെരിഫിക്കേഷൻ 30 ദിവസത്തിനകം പൂർത്തിയാക്കി അംഗീകരിച്ചു നൽകേണ്ടതാണ്.

13. ഡേറ്റാ എൻട്രി, വെരിഫിക്കേഷൻ, തെറ്റുതിരുത്തൽ, പ്രിന്റിംഗ്, വെരിഫിക്കേഷൻ, മറ്റു ചെലവുകൾ എന്നിവയ്ക്കായി റിക്കാർഡ് ഒന്നിന് 4 രൂപ നിരക്കും ഡേറ്റാ എൻട്രി പ്രീപ്രോസസിംഗ്- പരിശീലനം, സാങ്കേതികസഹായം, ഡേറ്റാ ബാക്ക് അപ്പ്, ഗുണനിലവാര പരിശോധന എന്നിവയ്ക്ക് റിക്കാർഡ് ഒന്നിന് 2 രൂപ നിരക്കുമാണ് (ആകെ റിക്കാർഡ് ഒന്നിന് 6 രൂപ) നിശ്ചയിച്ചിരിക്കുന്നത്.

14. പദ്ധതിയുടെ നിർവ്വഹണ ചുമതല തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്കാണ്, ഓരോ പ്രവർത്തിക്കും നൽകേണ്ട തുക കണക്കാക്കുന്നതിനുള്ള മാനദണ്ഡം അനുബന്ധം 1 ആയി ചേർക്കുന്നു.

15. റിക്കാർഡ് ഒന്നിന് 2 രൂപ നിരക്കിലുള്ള തുക ഇൻഫർമേഷൻ കേരള മിഷന് മുൻകൂർ നൽകാവുന്നതാണ്.

16. പ്രവർത്തനങ്ങൾ സമയബന്ധിതമായി പൂർത്തിയാക്കുന്നതിന് 2009 ഏപ്രിൽ-മെയ് മാസങ്ങളിൽ പ്രാരംഭ പ്രവർത്തനങ്ങൾ ആരംഭിച്ച് 2010 ജനുവരി മാസത്തോടുകൂടി പ്രവർത്തനം പൂർത്തിയാകുന്ന രീതിയിൽ ഒരു പ്രവർത്തന കലണ്ടർ തയ്യാറാക്കേണ്ടതാണ്. ഗ്രാമപഞ്ചായത്തുകളെ സംബന്ധിച്ച് പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർ ജില്ലാടിസ്ഥാനത്തിൽ പ്രവർത്തന കലണ്ടർ തയ്യാറാക്കേണ്ടതാണ്. നഗരസഭകളെ സംബന്ധിച്ച പ്രവർത്തന കലണ്ടർ നഗരകാര്യ മേഖലാ ജോയിന്റ് ഡയറക്ടർ തയ്യാറാക്കേണ്ടതാണ്.

17. പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർ, നഗരകാര്യ മേഖലാ ജോയിന്റ് ഡയറക്ടർമാർ എന്നിവർ ജില്ലാ-മേഖലാ തലത്തിൽ നോഡൽ ഓഫീസർമാർ ആയിരിക്കുന്നതാണ്. ഇതു സംബന്ധമായ പുരോഗതി റിപ്പോർട്ടുകൾ എല്ലാ മാസവും ചീഫ് രജിസ്ട്രാർക്ക് സമർപ്പിക്കേണ്ടതാണ്.

18. സംസ്ഥാനതലത്തിൽ പദ്ധതി മോണിറ്റർ ചെയ്യുന്നതിന് ചീഫ് രജിസ്ട്രാറുടെ (പഞ്ചായത്ത് ഡയറക്ടർ) ഓഫീസിലെ ഡെപ്യൂട്ടി ചീഫ് രജിസ്ട്രാറെ നോഡൽ ഓഫീസറായി ചുമതലപ്പെടുത്തുന്നു.

19. ഈ പദ്ധതിയുടെ പ്രവർത്തനങ്ങൾ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെ സെക്രട്ടറിമാരുടെ പ്രതിമാസ അവലോകന യോഗങ്ങളിൽ വിലയിരുത്തേണ്ടതാണ്. പദ്ധതി നടത്തിപ്പിൽ നേരിടുന്ന ബുദ്ധിമുട്ടുകൾ നോഡൽ ഓഫീസർമാർ ബന്ധപ്പെട്ടവരുടെ യോഗം വിളിച്ചു ചേർത്തു പരിഹരിക്കേണ്ടതാണ്.

20. റിക്കാർഡുകളുടെ ഗുണനിലവാര സ്റ്റാൻഡേർഡുകൾ ചീഫ് രജിസ്ട്രാർ, ഇൻഫർമേഷൻ കേരള മിഷൻ എന്നിവർ ചേർന്ന് നിശ്ചയിക്കേണ്ടതാണ്.

21. പദ്ധതി സമർപ്പിക്കുന്നതിനുള്ള മാതൃകാ നിർദ്ദേശങ്ങൾ ഇൻഫർമേഷൻ കേരള മിഷൻ ലഭ്യമാക്കുന്നതാണ്.

അനുബന്ധം-1

സേവന മുൻകാല ജനനമരണ വിവാഹ രജിസ്റ്ററുകളുടെ കമ്പ്യൂട്ടറൈസേഷൻ - വിവിധ പ്രവർത്തനങ്ങൾക്കുള്ള നിരക്ക്

ക്രമ നം.	ഇനം	നിരക്ക് റിക്കാർഡ് ഒന്നിന് 0.00 രൂപ	നിർവ്വഹണ ഏജൻസി
1.	പ്രിപ്രോസസിംഗ്	0.10	കുടുംബശ്രീ/അക്ഷയ
2.	കോർ ഡാറ്റാ എൻട്രി ആന്റ് വെരിഫിക്കേഷൻ	1.80	കുടുംബശ്രീ/അക്ഷയ
3.	ഓൺലൈൻ പരിശോധനയും തെറ്റു തിരുത്തലും	0.20	കുടുംബശ്രീ/അക്ഷയ
4.	ഗുണനിലവാര പരിശോധന/സ്റ്റാഫ് വെരിഫിക്കേഷൻ ഇവയ്ക്കുശേഷം വരുന്ന തെറ്റുതിരുത്തലുകൾ	0.30	കുടുംബശ്രീ/അക്ഷയ
5.	കമ്പ്യൂട്ടർ, യു.പി.എസ്സ്, പ്രിന്റർ മുതലായവയുടെ വാടക	0.60	കുടുംബശ്രീ/അക്ഷയ/ ഗ്രാമപഞ്ചായത്ത്
6.	കറന്റ് ചാർജ്ജ്	0.25	കുടുംബശ്രീ/അക്ഷയ/ ഗ്രാമപഞ്ചായത്ത്
7.	ഗുണനിലവാര പരിശോധനയ്ക്കുള്ള പ്രിന്റ് ഔട്ടുകൾ, സ്റ്റാഫ് പരിശോധനയ്ക്കുവേണ്ട പ്രിന്റ് ഔട്ട്,	0.45	കുടുംബശ്രീ/അക്ഷയ/ ഗ്രാമപഞ്ചായത്ത്

	പിശകുകൾ സംബന്ധമായ റിപ്പോർട്ടിന്റെ പ്രിന്റ് ഔട്ട്		
8.	വെരിഫിക്കേഷനുവേണ്ടി സ്റ്റാഫിനു നൽകുന്ന ഓണറേറിയം	0.20	ഗ്രാമപഞ്ചായത്ത്
9.	മറ്റു ചിലവുകൾ (ഫോൺ etc)	0.10	ഗ്രാമപഞ്ചായത്ത്
10.	സാങ്കേതിക സഹായം, പരിശീലനം, ഗുണനിലവാര പരിശോധന, മറ്റു ചിലവുകൾ എന്നിവയ്ക്ക്	2.00	ഐ.കെ.എം.
	ആകെ	6.00	

[തദ്ദേശസ്വയംഭരണ (ഐ.ബി) വകുപ്പ് നം.5078/ഐ.ബി 1/09/തസ്വഭവ തിരുവനന്തപുരം, തീയതി 26-4-2009].

ജനനമരണ രജിസ്ട്രേഷൻ - നടപടിക്രമങ്ങൾ ലഘൂകരിക്കുന്നത് സംബന്ധിച്ച സർക്കുലർ

വിഷയം:- തദ്ദേശസ്വയംഭരണ വകുപ്പ് - ജനനമരണ രജിസ്ട്രേഷൻ - നടപടിക്രമങ്ങൾ ലഘൂകരിക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്റ്റിലെയും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾ നടപ്പാക്കുന്നതിൽ പൊതുജനങ്ങൾക്കുണ്ടാകുന്ന ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനായി സർക്കാർ തലത്തിലും ചീഫ് രജിസ്ട്രാറുടെ തലത്തിലും നിരവധി നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുണ്ട്. എന്നാൽ, അപ്രകാരമുള്ള പല നിർദ്ദേശങ്ങളിലും കൂടുതൽ വ്യക്തത ആവശ്യമാണെന്നും മറ്റു ചിലവ ലഘൂകരിക്കാവുന്നതാണെന്നും ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാൽ ഇതിലേക്കായി താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

1. തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളിൽ ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് സമർപ്പിക്കുന്ന അപേക്ഷകളിൽ ഭൂരിഭാഗവും കുട്ടിയുടെ പേരുമാറ്റം സംബന്ധിച്ചാണെന്നും ഇതിന്റെ പേരിൽ വിവിധ കോടതികളിൽ കേസുകൾ ഫയൽ ചെയ്യപ്പെടുന്നതായും കാണുന്നു. ജനന മരണ രജിസ്ട്രേഷൻ ആക്റ്റിലെ 15-ാം വകുപ്പു പ്രകാരം രജിസ്ട്രേഷനുകളിലെ തെറ്റായ വിവരങ്ങൾ തിരുത്തുന്നതിന് വ്യവസ്ഥയുണ്ടെങ്കിലും വിവരങ്ങളിൽ മാറ്റം വരുത്തുന്നതിന് വ്യവസ്ഥയില്ലാത്തതിനാൽ ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേരു ചേർത്തുകഴിഞ്ഞാൽ പിന്നീട് മറ്റൊരു പേരാണ് ഔദ്യോഗികമായി ഉപയോഗിക്കുന്നതെങ്കിൽപ്പോലും അതനുസരിച്ച് രജിസ്ട്രേഷനിൽ തിരുത്തൽ അനുവദിക്കുന്നില്ല. എന്നാൽ കേരള ഹൈക്കോടതി Girijan Vs Registrar of births & deaths [2003 (2) KLT 22] എന്ന കേസിൽ പുറപ്പെടുവിച്ച വിധിന്യായത്തിൽ കുട്ടിയെ സ്ക്കൂളിൽ ചേർക്കുന്നതുവരെ മാതാപിതാക്കൾക്ക് കുട്ടിയുടെ പേരിൽ മാറ്റം വരുത്താമെന്നും രജിസ്ട്രാർക്ക് കുട്ടിയുടെ പേരു സംബന്ധിച്ച വസ്തുത ബോദ്ധ്യപ്പെട്ടാൽ രജിസ്റ്ററിൽ മാറ്റം വരുത്തേണ്ടതാണെന്നും നിർദ്ദേശം നൽകിയിരുന്നു. സമാനമായ കേസുകളിൽ ബഹു. ഹൈക്കോടതി പ്രസ്തുത വിധിന്യായം അടിസ്ഥാനമാക്കിയാണ് ഇപ്പോഴും തീർപ്പു കൽപ്പിക്കുന്നത്. കുട്ടിയുടെ ജനന സമയത്തും അതിനുശേഷവും കുട്ടിക്ക് പേരിടാതെ തന്നെ ജനന രജിസ്ട്രേഷനിൽ ഏതെങ്കിലും ഒരു പേര് ചേർക്കുന്നതു നിമിത്തമാണ് ഇങ്ങനെ സംഭവിക്കുന്നത് എന്ന് ഇതു സംബന്ധിച്ച രേഖകൾ പരിശോധിക്കുമ്പോൾ ബോദ്ധ്യമാവുന്നതാണ്. അതിനാൽ, ജനന രജിസ്ട്രേഷൻ സമയത്തോ അതിനുശേഷമോ കുട്ടിയുടെ പേര് ചേർത്തിട്ടുള്ളത് സ്ക്കൂളിൽ ചേർക്കുന്നതിനു മുമ്പായി ഒരു പ്രാവശ്യം മാറ്റം വരുത്തുന്നതിനുള്ള മാതാപിതാക്കളുടെ അപേക്ഷ അനുവദിക്കാവുന്നതാണെന്ന് നിർദ്ദേശിക്കുന്നു.

2. മാതാപിതാക്കളുടെ രേഖാമൂലമുള്ള സംയുക്താപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ മാത്രമേ കുട്ടിയുടെ പേര് ജനന രജിസ്ട്രേഷനിൽ ചേർക്കാൻ പാടുള്ളൂ. മാതാവിന്റെയോ പിതാവിന്റെയോ അറിവുകൂടാതെ സംയുക്താപേക്ഷയിൽ അവരുടെ ഒപ്പ് വ്യാജമായി ചേർത്ത് തെറ്റായ പേര് ഉൾപ്പെടുത്തുന്നതു തടയുന്നതിനായി പേര് ചേർക്കുന്നതിനുള്ള അപേക്ഷയോടൊപ്പം മാതാപിതാക്കളുടെ ഏതെങ്കിലും തിരിച്ചറിയൽ രേഖയുടെ പകർപ്പുകൂടി സമർപ്പിക്കേണ്ടതാണ്. ഇതിലേക്കായി തെരഞ്ഞെടുപ്പു കമ്മീഷൻ അംഗീകരിച്ച ഏതൊരു രേഖയും തിരിച്ചറിയൽ രേഖയായി അംഗീകരിക്കേണ്ടതാണ്.

3. മാതാപിതാക്കളുടെ മേൽവിലാസം കുട്ടിയുടെ ജനനത്തിനുശേഷം മാറ്റം വന്നാൽ അതിനനുസരിച്ച് ജനന രജിസ്ട്രേഷനിൽ മാറ്റം വരുത്താവുന്നതല്ല. എന്നാൽ, മേൽവിലാസം തെറ്റായി ചേർത്തിട്ടുണ്ടെങ്കിൽ കുട്ടിയുടെ ജനന സമയത്ത് പ്രാബല്യത്തിലുള്ളതും മാതാപിതാക്കളുടെ മേൽവിലാസം വ്യക്തമാക്കുന്നതുമായ ഏതെങ്കിലും രേഖ (റേഷൻകാർഡ്, തിരിച്ചറിയൽകാർഡ്, ആധാരം മുതലായവ) യുടെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ അനുവദിക്കേണ്ടതാണ്.

4. ജനന രജിസ്ട്രേഷനുകളിൽ കുട്ടിയുടേയും മരണ രജിസ്ട്രേഷനുകളിൽ മരിച്ചയാളുടേയും പേര് രേഖപ്പെടുത്തിയിട്ടുള്ളതിനോടൊപ്പം അറിയപ്പെടുന്ന പേരുകൂടി alias ചേർത്ത് ചേർക്കാവുന്നതാണെന്ന്

നിലവിൽ നിർദ്ദേശമുണ്ട്. മാതാപിതാക്കളുടെ അറിയപ്പെടുന്ന പേരും ഇതുപോലെ യഥാർത്ഥ പേരിനൊപ്പം ചേർക്കാവുന്നതാണെന്ന് നിർദ്ദേശിക്കുന്നു.

5. ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേരു ചേർക്കുമ്പോൾ ആറുവയസ്സിനുശേഷം മാതാപിതാക്കളുടെ താമസസ്ഥലത്തെ ജനന മരണ രജിസ്ട്രാർ നൽകുന്ന ജനന ക്രമ ഐഡന്റിഫിക്കേഷൻ സർട്ടിഫിക്കറ്റ് ഹാജരാക്കണമെന്ന് നിലവിൽ നിർദ്ദേശമുണ്ട്. ഇതിനു പകരം മാതാപിതാക്കൾക്ക് ജനിച്ചിട്ടുള്ള എല്ലാ കുട്ടികളുടെയും പേര്, ജനന തീയതി, ജനന ക്രമം എന്നിവ വ്യക്തമാക്കുന്ന നിശ്ചിതഫോറത്തിലുള്ള സത്യവാങ്മൂലം അവർ ഒപ്പിട്ടു നൽകേണ്ടതാണ്. സ്ക്കൂൾ രേഖയിലെയും ജനന രജിസ്ട്രേഷനിലെയും ജനന തീയതികൾ തമ്മിൽ പത്തുമാസത്തിലേറെ വ്യത്യാസമുണ്ടെങ്കിൽ മാതാപിതാക്കളുടെ ജീവിച്ചിരിക്കുന്നതു മരിച്ചുപോയതുമായ എല്ലാ കുട്ടികളുടെയും ജനനതീയതി തെളിയിക്കുന്ന രേഖകൾ കൂടി (സ്ക്കൂൾ രേഖ, ജനന സർട്ടിഫിക്കറ്റ്, ആശുപത്രി രേഖ ഇവയിൽ ഏതെങ്കിലും) ഹാജരാക്കേണ്ടതാണ്. സംസ്ഥാനത്തിന് വെളിയിൽ താമസിക്കുന്ന മാതാപിതാക്കളുടെ കുട്ടികളുടെ കാര്യത്തിലും ഇത് മതിയാകുന്നതാണ്.

6. ജനനമരണ രജിസ്ട്രേഷനുകളിലെ തിരുത്തലുകൾ അനുവദിക്കുമ്പോൾ മുമ്പുവാങ്ങിയ സർട്ടിഫിക്കറ്റുകൾ തിരികെ വാങ്ങേണ്ടതാണ്. എന്നാൽ ഏതെങ്കിലും കാരണവശാൽ സർട്ടിഫിക്കറ്റ് നഷ്ടപ്പെട്ടു പോകുകയോ, മറ്റേതെങ്കിലും അധികാരി മുമ്പാകെ സമർപ്പിച്ചതിനാൽ തിരികെ നൽകാൻ സാധിക്കാതെ വരികയോ ചെയ്താൽ അക്കാര്യം വ്യക്തമാക്കുന്നതും ഒരു നോട്ടറി പബ്ലിക് മുമ്പാകെയോ അല്ലെങ്കിൽ സംസ്ഥാന സർക്കാർ സർവ്വീസിലുള്ള ഗസറ്റഡ് ഓഫീസർ മുമ്പാകെയോ ഒപ്പിട്ടതുമായ ഒരു സത്യവാങ്മൂലം സമർപ്പിച്ചാൽ മതിയാകുന്നതാണ്.

7. ജനന രജിസ്ട്രേഷനിൽ ഇനിഷ്യലോ സർനെയിമോ കൂടാതെ പേരു ചേർത്തിട്ടുള്ളതിൽ ഇനിഷ്യലോ സർനെയിമോ ചേർത്തു നൽകാൻ ഇപ്പോൾ വ്യവസ്ഥയുണ്ട്. യഥാർത്ഥ പേര് ഇനിഷ്യലും സർനെയിമും ചേർന്നുള്ളതാണെങ്കിൽ ഇവ രണ്ടുംകൂടി ചേർക്കാവുന്നതാണെന്ന് വ്യക്തമാക്കുന്നു.

8. ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധമായ സേവനങ്ങൾക്കായി ലഭിക്കുന്ന അപേക്ഷകൾക്ക് 2/7/2009-ലെ സ.ഉ. (കൈ) 123/2009/തസ്വഭവ നമ്പർ ഉത്തരവിൽ നിർദ്ദേശിച്ചിട്ടുള്ളതുപോലെ സേവനം ലഭ്യമാക്കുന്ന തീയതി കൂടി രേഖപ്പെടുത്തിയ കൈപ്പറ്റുരസീത് നൽകേണ്ടതാണെന്നും അതനുസരിച്ച് സേവനം നൽകേണ്ടതാണെന്നും നിർദ്ദേശിക്കുന്നു. അപേക്ഷയിലെ ആവശ്യം നിയമപ്രകാരം അനുവദനീയമല്ലെങ്കിൽപ്പോലും അപേക്ഷ സ്വീകരിക്കുകയും അപേക്ഷകർക്ക് രേഖാമൂലം മറുപടി നൽകേണ്ടതുമാണ്.

9. ജനന മരണ രജിസ്ട്രേഷൻ സംവിധാനം കാര്യക്ഷമമായി പ്രവർത്തിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുന്നതിനായി രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ നടത്തിയ പരിശോധനകൾ സംബന്ധിച്ച് ഒരു വാർഷിക റിപ്പോർട്ട് എല്ലാവർഷവും ഫെബ്രുവരി 15-ാം തീയതിക്കകം ചീഫ് രജിസ്ട്രാർ സർക്കാരിന് സമർപ്പിക്കേണ്ടതാണ്.

10. ജനന മരണ രജിസ്ട്രാർമാരുടെ ഔദ്യോഗിക സീലിൽ പേര്, ഔദ്യോഗിക പദവി എന്നിവയും സംസ്ഥാനത്തിന്റെയും രാജ്യത്തിന്റെയും പേരുകൾ ഉൾപ്പെടെയുള്ള പൂർണ്ണമായ മേൽവിലാസവും ഉൾപ്പെടുത്തേണ്ടതാണ്.

11. ജനന രജിസ്റ്ററിലെയും സ്ക്കൂൾ രേഖയിലെയും ജനന തീയതികൾ തമ്മിൽ വ്യത്യാസം പത്തുമാസത്തിൽ കൂടുതലാണെങ്കിൽ ജനന രജിസ്റ്ററിൽ പേരുചേർക്കുന്നതിന് ജില്ലാ രജിസ്ട്രാറുടെ അനുമതി വാങ്ങേണ്ടതാണ്.

12. ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച വിവിധ സേവനങ്ങൾക്കായി സമർപ്പിക്കുന്ന ഓരോ ഇനം അപേക്ഷയോടൊപ്പവും നൽകേണ്ട രേഖകൾ ഏതൊക്കെയാണെന്ന് വ്യക്തമാക്കുന്നതിനും അപേക്ഷയോടൊപ്പം എല്ലാ രേഖകളും ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോയെന്ന് പരിശോധിക്കുന്നതിനും ചെക്ക് ലിസ്റ്റുകൾ തയ്യാറാക്കി രജിസ്ട്രാർമാർക്ക് നൽകുന്നതിന് ചീഫ് രജിസ്ട്രാറെ ചുമതലപ്പെടുത്തുന്നു. [തദ്ദേശസ്വയംഭരണ (ആർ.ഡി.) വകുപ്പ് നം.68413/ആർ.ഡി.3/09/തസ്വഭവ, തിരുവനന്തപുരം, തീയതി 21-1-10].

ജനന-മരണ രജിസ്ട്രേഷൻ-ക്രോഡീകരിച്ച നിർദ്ദേശങ്ങൾ സംബന്ധിച്ച സർക്കുലർ

[പഞ്ചായത്ത് ഡയറക്ടറേറ്റ്, നം.B1-20741/2009, തിരുവനന്തപുരം, തീയതി 08-12-10]

വിഷയം:- ജനന-മരണ രജിസ്ട്രേഷൻ-ക്രോഡീകരിച്ച നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

സൂചന:-
1. ചീഫ് രജിസ്ട്രാറുടെ 20/03/07 ലെ ബി1-2815/07-ാം നമ്പർ സർക്കുലർ
2. ചീഫ് രജിസ്ട്രാറുടെ 19/04/07 ലെ ബി1-6141/07--ാം നമ്പർ സർക്കുലർ
3. ചീഫ് രജിസ്ട്രാറുടെ 9/10/07 ലെ ബി1-6141/07-ാം നമ്പർ സർക്കുലർ
4. ചീഫ് രജിസ്ട്രാറുടെ 12/10/07 ലെ ബി1-20129/07-ാം നമ്പർ സർക്കുലർ
5. ചീഫ് രജിസ്ട്രാറുടെ 7/11/07 ലെ ബി1- 2815/07--ാം നമ്പർ സർക്കുലർ
6. ചീഫ് രജിസ്ട്രാറുടെ 16/01/08 ലെ ബി1- 20129/07-ാം നമ്പർ സർക്കുലർ
7. ചീഫ് രജിസ്ട്രാറുടെ 26/08/08 ലെ ബി1- 6141/07-ാം നമ്പർ സർക്കുലർ

8. ചീഫ് രജിസ്ട്രാറുടെ 3/09/08 ലെ ബി1-25388/08-ാം നമ്പർ സർക്കുലർ
9. സ.ഉ. (സാ) നം. 4106/08/തസ്വഭവ തീയതി 22-11-2008
10. സ.ഉ. (സാ) നം. 193/10/തസ്വഭവ തീയതി 19-01-2010
11. ഗ.വ. സർക്കുലർ നം. 68413/ആർഡി3/തസ്വഭവ തീയതി 21-01-2010
12. സ.ഉ. (സാ) നം. 3160/2010/തസ്വഭവ തീയതി 30- 09 2010

1. ജനന മരണ രജിസ്ട്രേഷൻ കുറ്റമറ്റ രീതിയിൽ നടത്തുന്നതിനും രജിസ്ട്രേഷൻ സംവിധാനത്തിലെ അപാകതകൾ പരിഹരിക്കുന്നതിനുമായി ജനനമരണ രജിസ്ട്രേഷൻ നിയമത്തിന്റെയും ചട്ടങ്ങളുടെയും രജിസ്ട്രാർ ജനറൽ നൽകിയ സ്പഷ്ടീകരണങ്ങളുടെയും അടിസ്ഥാനത്തിൽ ചീഫ് രജിസ്ട്രാർ പുറപ്പെടുവിച്ച സർക്കുലറുകളിലെ നിർദ്ദേശങ്ങൾ ക്രോഡീകരിച്ചും വിശദമാക്കിയും സൂചന (1) പ്രകാരം നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചിരുന്നു. പ്രസ്തുത സർക്കുലർ പുറപ്പെടുവിച്ച ശേഷം ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച ബുദ്ധിമുട്ടുകൾ പരിഹരിക്കുന്നതിനും കാര്യക്ഷമമാക്കുന്നതിനുമായി സൂചന (2) മുതൽ (11) വരെ സർക്കുലറുകളും സർക്കാർ ഉത്തരവുകളും പുറപ്പെടുവിച്ചിട്ടുണ്ട്. എന്നാൽ ഇപ്പോൾ പ്രാബല്യത്തിലുള്ള നിർദ്ദേശങ്ങൾ സംബന്ധിച്ച് രജിസ്ട്രാർ തലത്തിലും പൊതുജനങ്ങൾക്കും ധാരാളം സംശയങ്ങൾ നിലനിൽക്കുന്നതു കൂടാതെ രജിസ്ട്രാർമാർ പല അപേക്ഷകളിലും പഴയ സർക്കുലറുകളുടെ അടിസ്ഥാനത്തിൽ തീർപ്പുകൽപ്പിക്കുന്നതായും ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. ഈ സാഹചര്യത്തിൽ ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് നിലവിലുള്ള നിർദ്ദേശങ്ങൾ ക്രോഡീകരിച്ച് താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു. കൂടാതെ, ഈ സർക്കുലറിൽ പ്രതിപാദിച്ചിട്ടുള്ള വിഷയങ്ങളെ സംബന്ധിച്ച് ചീഫ് രജിസ്ട്രാർ മുൻകാലങ്ങളിൽ പുറപ്പെടുവിച്ചിട്ടുള്ള സർക്കുലറുകൾ പ്രാബല്യത്തിലുണ്ടായിരിക്കുന്നതല്ലെന്നും വ്യക്തമാക്കുന്നു.

2. രജിസ്ട്രേഷൻ

2.1. 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്ടിലെ 16-ാം വകുപ്പും, 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 12-ാം ചട്ടവും അനുസരിച്ച്, ജനന, മരണ, നിർജ്ജീവ ജനന റിപ്പോർട്ടു ഫോറങ്ങളുടെ നിയമപരമായ ഭാഗമാണ് (Legal part) രജിസ്ട്രാർ ഒപ്പിട്ട് രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടത്. സെക്ഷൻ 8 പ്രകാരം റിപ്പോർട്ടുകൾ രേഖാമൂലമല്ലാതെയും നൽകാവുന്നതും വാക്കാൽ നൽകുന്ന വിവരങ്ങൾ രജിസ്ട്രാർ ഫാറത്തിൽ രേഖപ്പെടുത്തി വിവരം നൽകുന്നയാളുടെ ഒപ്പ്/വിരലടയാളം വാങ്ങേണ്ടതുമാണ്. കമ്പ്യൂട്ടർവൽക്കരിച്ചിട്ടുള്ള രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഉൾപ്പെടെ റിപ്പോർട്ടുകളുടെ ലീഗൽ പാർട്ട് രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടതാണ്. രജിസ്ട്രാർ, റിപ്പോർട്ടിൽ രേഖപ്പെടുത്തിയിട്ടുള്ള വിവരങ്ങളുടെ കൃത്യത പരമാവധി ഉറപ്പുവരുത്തേണ്ടതാണ്. ആശുപത്രികളിൽ നടക്കുന്ന ജനന മരണങ്ങൾ സംബന്ധിച്ച വിവരങ്ങൾ ശരിയാണെന്ന് ഉറപ്പുവരുത്താൻ ആശുപത്രി അധികാരികൾക്ക് രേഖാമൂലം നിർദ്ദേശം നൽകേണ്ടതും മറ്റു സ്ഥലങ്ങളിൽ നടക്കുന്നവ വ്യക്തമായി അന്വേഷിച്ച് ബോദ്ധ്യപ്പെട്ടുമാത്രം രജിസ്റ്റർ ചെയ്യേണ്ടതുമാണ്.

2.2. രജിസ്ട്രേഷൻ നടപടികൾ പൂർത്തിയാക്കി കഴിഞ്ഞാലുടൻ അറിവു നൽകുന്നയാൾക്ക് സെക്ഷൻ 12 പ്രകാരമുള്ള സർട്ടിഫിക്കറ്റുകൾ യാതൊരു ചാർജ്ജും/ഫീസും കൂടാതെ നിർബന്ധമായും നൽകേണ്ടതാണ്. ഓൺലൈൻ രജിസ്ട്രേഷൻ നിലവിലുള്ള യൂണിറ്റുകളിൽ പ്രസ്തുത സംവിധാനം ഉപയോഗിച്ചും അതുസംബന്ധിച്ച നിർദ്ദേശങ്ങൾ പാലിച്ചുകൊണ്ടും സർട്ടിഫിക്കറ്റുകൾ നൽകേണ്ടതാണ്. ഇപ്രകാരമുള്ള സർട്ടിഫിക്കറ്റുകൾ റിപ്പോർട്ട് ലഭിച്ച തീയതി മുതൽ 30 ദിവസത്തിനകം, അറിവു നൽകിയ വ്യക്തിയോ ചുമതലപ്പെടുത്തിയ ആളോ കൈപ്പറ്റിയില്ലെങ്കിൽ തുടർന്ന് 15 ദിവസത്തിനകം അവ ബന്ധപ്പെട്ട കുടുംബത്തിന് തപാലിൽ അയച്ചുകൊടുക്കേണ്ടതാണ്.

3. താമസിച്ചുള്ള രജിസ്ട്രേഷൻ

3.1 30 ദിവസത്തിനകം റിപ്പോർട്ടു ചെയ്യാത്ത ജനനമരണങ്ങൾ ഒരുവർഷം വരെ ജില്ലാ രജിസ്ട്രാറുടെയും ഒരുവർഷത്തിനകം രജിസ്റ്റർ ചെയ്യാത്തവ സബ് ഡിവിഷണൽ മജിസ്ട്രേറ്റിന്റെയും (ആർ.ഡി.ഒ.) അനുമതിയോടെ മാത്രമെ രജിസ്റ്റർ ചെയ്യാൻ പാടുള്ളൂ. ആക്ട് നിലവിൽ വന്ന 1-4-1970 നു മുമ്പുള്ള ജനനമരണങ്ങളും ഇപ്രകാരം രജിസ്റ്റർ ചെയ്യാവുന്നതാണ്. 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ ചട്ടം 13 ഉപചട്ടം (3) അനുസരിച്ച് ഏതെങ്കിലും ജനനമോ മരണമോ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ ഫാറം നമ്പർ 10-ൽ ഒരു നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ജനന മരണ രജിസ്ട്രാർ നൽകേണ്ടതാണ്. ജനനസ്ഥലം അഥവാ മരണസ്ഥലം ഉൾപ്പെടുന്ന രജിസ്ട്രേഷൻ യൂണിറ്റിൽ മാത്രമേ രജിസ്ട്രേഷൻ നടത്താൻ പാടുള്ളൂ എന്നതിനാൽ മറ്റൊരു രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നിന്നും സർട്ടിഫിക്കറ്റ് നൽകാൻ പാടില്ല.

3.2 നോൺ രജിസ്ട്രേഷൻ സർട്ടിഫിക്കറ്റ് രജിസ്ട്രേഷൻ ആവശ്യത്തിനോ വിധവകളുടെ പെൺമക്കളുടെ വിവാഹധനസഹായത്തിന് അപേക്ഷിക്കുന്നതിനോ മാത്രമേ നൽകാൻ പാടുള്ളൂവെന്നും എന്താവശ്യത്തിനാണെന്ന വിവരം സർട്ടിഫിക്കറ്റിൽ രേഖപ്പെടുത്തണമെന്നും നിർദ്ദേശം നൽകിയിരുന്നു. 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങൾ നിലവിൽ വരുന്നതിനു മുമ്പാണ് ചീഫ് രജിസ്ട്രാർ ഇപ്രകാരം

നിർദ്ദേശം നൽകിയിരുന്നത്. എന്നാൽ 1-1-2000 മുതൽ പ്രാബല്യത്തിൽ വന്ന 1999-ലെ ചട്ടങ്ങളിൽ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് നൽകുന്നതിനുള്ള വ്യവസ്ഥകളും ഫാറവും ഉൾപ്പെടുത്തിയിട്ടുള്ളതും പ്രസ്തുത ചട്ടങ്ങളിൽ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ഏതെങ്കിലും പ്രത്യേക ആവശ്യത്തിലേക്കായി പരിമിതപ്പെടുത്തുന്നതിന് വ്യവസ്ഥയില്ലാത്തതുമാണ്. ഇക്കാര്യം രജിസ്ട്രാർ ജനറലും സ്പഷ്ടീകരിച്ചിട്ടുണ്ട്. അതിനാൽ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് രജിസ്ട്രേഷൻ ആവശ്യത്തിനോ വിധവകളുടെ പെൺമക്കളുടെ വിവാഹധനസഹായത്തിനോ അപേക്ഷിക്കുന്നതിനോ മാത്രമേ നൽകാൻ പാടുള്ളൂവെന്നും എന്താവശ്യത്തിനാണെന്ന വിവരം സർട്ടിഫിക്കറ്റിൽ രേഖപ്പെടുത്തണമെന്നുമുള്ള മുൻ നിർദ്ദേശം ഒഴിവാക്കുന്നു.

3.3 ഒരിക്കൽ രജിസ്റ്റർ ചെയ്ത ജനനമോ മരണമോ തെറ്റായ വിവരങ്ങൾ നൽകി നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് സമ്പാദിച്ച് ജനനതീയതി അല്ലെങ്കിൽ മരണതീയതി വ്യത്യാസപ്പെടുത്തി വീണ്ടും രജിസ്റ്റർ ചെയ്യുന്നത് തടയുന്നതിന് താമസസ്ഥലം ജനനസ്ഥലം മുതലായവ തെളിയിക്കുന്നതിനുള്ള രേഖകൾ നിർബന്ധമായും അപേക്ഷയോടൊപ്പം ഹാജരാക്കണമെന്ന് നിഷ്കർഷിക്കേണ്ടതാണ്. റേഷൻകാർഡ്, സ്കൂൾ രേഖ മുതലായവ തെളിവായി സ്വീകരിക്കാവുന്നതാണ്. ഇതിനു പുറമെ, അപേക്ഷയുടെ നിജസ്ഥിതി രജിസ്ട്രാർ അന്വേഷിച്ച് ബോധ്യപ്പെടേണ്ടതുമാണ്. മേൽപ്പറഞ്ഞ പ്രകാരമുള്ള ഒരു തെളിവും ഹാജരാക്കാൻ അപേക്ഷകന് സാധിച്ചില്ലെങ്കിൽ പോലീസ് അന്വേഷണത്തിനു ശേഷം മാത്രമേ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് നൽകാൻ പാടുള്ളൂ.

3.4 നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റിനുള്ള അപേക്ഷകളിൽ നടപടി സ്വീകരിക്കുന്നതിനായി ഒരു ജനന മരണ രജിസ്ട്രാർ മറ്റൊരു യൂണിറ്റിൽ ആവശ്യപ്പെട്ടാൽ പ്രസ്തുത ജനനം അല്ലെങ്കിൽ മരണം ആ യൂണിറ്റിലെ ബന്ധപ്പെട്ട രജിസ്റ്ററിൽ ഉൾപ്പെട്ടിട്ടുണ്ടോ എന്ന് പരിശോധിച്ച് മറുപടി നൽകേണ്ടതാണ്. ജനന/മരണ രജിസ്ട്രേഷന് അനുമതി നൽകുന്നതിനുള്ള അന്വേഷണത്തിന്റെ ഭാഗമായി സബ് ഡിവിഷണൽ മജിസ്ട്രേറ്റുമാർ ആവശ്യപ്പെടുന്ന സംഗതികളിലും ഇപ്രകാരം മറുപടി നൽകേണ്ടതാണ്. എന്നാൽ ഇപ്രകാരം ജനനം/മരണം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന് മറുപടി നൽകുന്നത് ചട്ടം 13(3) പ്രകാരമുള്ള നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ആയി പരിഗണിക്കാൻ പാടില്ലാത്തതാണ്.

3.5 നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് അനുവദിക്കുന്നതിനു മുമ്പ്, പ്രസ്തുത സംഭവം മറ്റൊരു രജിസ്ട്രേഷൻ യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്തിട്ടുണ്ടാകാമെന്ന് സംശയം തോന്നുന്ന കേസുകളിൽ മാത്രം ബന്ധപ്പെട്ട രജിസ്ട്രാറോട് രേഖാമൂലം വിവരം ആരായേണ്ടതും അതിന് കഴിവതും വേഗം മറുപടി നൽകുന്നതിന് എല്ലാ രജിസ്ട്രാർമാരും ശ്രദ്ധിക്കേണ്ടതുമാണ്.

3.6 ജനന മരണ രജിസ്ട്രേഷനുകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം പൂർത്തിയാക്കിയ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിൽ നിന്ന് മേൽപ്പറഞ്ഞ വിവരം ആവശ്യമുണ്ടെങ്കിൽ ബന്ധപ്പെട്ട രജിസ്ട്രാർ www.cr.lsgkerala.gov.in എന്ന വെബ്സൈറ്റിൽ പരിശോധിച്ച് ഉറപ്പുവരുത്തേണ്ടതാണ്.

3.7 ജനന മരണ രജിസ്റ്ററുകൾ കാലപ്പഴക്കം മൂലവും അല്ലാതെയും നശിച്ചു പോവുകയും തന്നിമിത്തം അപേക്ഷകർക്ക് സർട്ടിഫിക്കറ്റുകൾ നൽകാൻ കഴിയാതെ വരികയും ചെയ്യുന്ന സാഹചര്യങ്ങളിൽ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് സ്ഥാപനത്തിലോ വ്യക്തിയുടെ പക്കലോ തെളിവുകളുണ്ടെങ്കിൽ അതിന്റെ അടിസ്ഥാനത്തിൽ രജിസ്ട്രേഷൻ പുന:സൃഷ്ടിക്കാവുന്നതും തെളിവുകളൊന്നും ലഭ്യമല്ലാത്ത കേസുകളിൽ സംഭവം രജിസ്ട്രേഷൻ യൂണിറ്റിന്റെ അധികാര പരിധിക്കുള്ളിൽ നടന്നതാണെന്ന് ബോധ്യപ്പെട്ട ശേഷം നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതുമാണ്. അതോടൊപ്പം ബന്ധപ്പെട്ട വർഷത്തെ ജനന മരണ രജിസ്റ്റർ നശിച്ചുപോയതായുള്ള ഒരു സാക്ഷ്യപത്രം കൂടി പ്രസ്തുത ജനനം/മരണം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അനുമതി നല്കുന്നതിനായി ആർ.ഡി.ഒക്ക് നൽകേണ്ടതാണ്.

4. ഉപേക്ഷിക്കപ്പെട്ട/ദത്തെടുത്ത കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ

4.1 ഉപേക്ഷിക്കപ്പെട്ട കുട്ടികളുടെ ജനന രജിസ്ട്രേഷൻ 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 8-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് (ഇ) ഖണ്ഡം അനുസരിച്ച് നടത്തേണ്ടതാണ്. രജിസ്ട്രേഷൻ നടത്തുന്നതിനായി കുട്ടിയുടെ ദത്തെടുക്കൽ നടപടി വരെ കാത്തിരിക്കേണ്ടതില്ലാത്തതും യഥാസമയം ജനനം റിപ്പോർട്ടു ചെയ്യാത്ത പക്ഷം സെക്ഷൻ 23 പ്രകാരം നടപടി സ്വീകരിക്കേണ്ടതുമാണ്.

4.2 ജനന രജിസ്ട്രേഷനിൽ കുട്ടിക്ക് ഭാവിയിൽ അപമാനകരമായിത്തീരുന്ന രീതിയിൽ ജനന സ്ഥലം (അമ്മത്തൊട്ടിൽ, ഓർഫനേജ് തുടങ്ങിയവ) രേഖപ്പെടുത്താൻ പാടില്ല. ഇത്തരം കേസുകളിൽ സ്ഥലപ്പേര് മാത്രം രജിസ്ട്രേഷനിൽ ചേർത്താൽ മതിയാകുന്നതാണ്.

4.3 ഗവൺമെന്റ് അംഗീകൃത സ്ഥാപനങ്ങളിൽ ലഭിക്കുന്ന കുട്ടികളുടെ ജനനം രജിസ്റ്റർ ചെയ്യുമ്പോൾ രക്ഷിതാവായി സ്ഥാപനത്തിന്റെ പേര് റിമാർക്സ് കോളത്തിൽ രേഖപ്പെടുത്താവുന്നതാണ്. മാതാപിതാക്കളുടെ പേര്, വിലാസം എന്നീ കോളങ്ങളിൽ ഒന്നും രേഖപ്പെടുത്തേണ്ടതില്ല.

4.4 അനാഥാലയങ്ങളിലും മറ്റ് ശിശു സംരക്ഷണ ഏജൻസികളിലും കഴിയുന്നതും അല്ലാത്തതുമായ

കുട്ടികളെ നിയമാനുസരണം ദത്തെടുക്കുന്ന അവസരത്തിൽ ദത്തെടുക്കുന്ന മാതാപിതാക്കളുടെ (Adoptive parents) പേര് ഉൾപ്പെടുത്തിയും ആവശ്യമെങ്കിൽ കുട്ടിയുടെ പേരിൽ മാറ്റം വരുത്തിയും സർട്ടിഫിക്കറ്റ് അനുവദിക്കേണ്ടതാണ്. ദത്തെടുക്കൽ അനുവദിക്കുന്ന കോടതി ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ അഡോപ്റ്റീവ് പേരന്റ് സിന്റെ പേര് മാതാപിതാക്കളുടെ പേരായി ഉൾപ്പെടുത്തി നൽകേണ്ടതാണ്.

4.5 അംഗീകൃത അഡോപ്ഷൻ ഏജൻസി മുഖേന ദത്തെടുത്ത കുട്ടിയുടെ ജനനം അതുവരെ രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ ഏജൻസി സ്ഥിതി ചെയ്യുന്ന സ്ഥലത്തെ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ അപേക്ഷ നൽകേണ്ടതും ദത്തെടുക്കൽ അനുവദിച്ച കോടതി ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ പ്രസ്തുത ഉത്തരവിൽ രേഖപ്പെടുത്തിയിട്ടുള്ള ജനനതീയതി അംഗീകരിച്ച് ജനനം രജിസ്റ്റർ ചെയ്തു നൽകേണ്ടതുമാണ്. ഇത്തരം കേസുകളിൽ പ്രായം തെളിയിക്കുന്നതിന് ഡി.എം.ഒ.യുടെ സർട്ടിഫിക്കറ്റോ ആർ.ഡി.ഒ.യുടെ അനുവാദമോ ആവശ്യപ്പെടാൻ പാടില്ല.

4.6 ജനന രജിസ്ട്രേഷനിൽ റിമാർക്സ് കോളത്തിൽ കോടതി ഉത്തരവിന്റെ നമ്പരും തീയതിയും കോടതിയുടെ പേരും രേഖപ്പെടുത്തേണ്ടതാണ്.

4.7 2008 നവംബർ 22 നു മുമ്പ് ദത്തെടുത്ത കേസുകളിൽ ഇതുവരെ ജനനം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെങ്കിൽ ദത്തെടുക്കൽ അനുവദിച്ച കോടതി ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ ദത്തെടുത്ത മാതാപിതാക്കൾ നൽകുന്ന അപേക്ഷപ്രകാരം അവർ സ്ഥിര താമസമാക്കിയ സ്ഥലത്തെ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ ജനനം രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്.

4.8 ഏജൻസി സ്ഥിതി ചെയ്യുന്ന സ്ഥലത്ത് ജനന രജിസ്ട്രേഷൻ നടത്തുന്ന സംഗതിയിൽ പ്രസ്തുത സ്ഥലവും ഖണ്ഡിക 4.5 പ്രകാരം മാതാപിതാക്കളുടെ സ്ഥിര താമസസ്ഥലത്ത് രജിസ്ട്രേഷൻ നടത്തുമ്പോൾ പ്രസ്തുത മേൽവിലാസവും ജനന സ്ഥലമായി രേഖപ്പെടുത്തണം. ദത്തെടുക്കൽ അനുവദിക്കുന്ന കോടതി ഉത്തരവിൽ കുട്ടിയുടെ യഥാർത്ഥ ജനന സ്ഥലം വ്യക്തമാക്കിയിട്ടുണ്ടെങ്കിലും ഏജൻസി സ്ഥിതി ചെയ്യുന്ന സ്ഥലമോ മാതാപിതാക്കളുടെ താമസസ്ഥലമോ ജനന സ്ഥലമായി രേഖപ്പെടുത്താവുന്നതാണ്.

4.9 അംഗീകൃത ഏജൻസികളിൽ നിന്ന് ദത്തെടുക്കൽ അനുവദിക്കുന്ന കോടതി ഉത്തരവിൽ രക്ഷകർത്താവ് ആയി മാത്രം അംഗീകരിച്ചിട്ടുണ്ടെങ്കിലും ഗാർഡിയൻഷിപ്പ് എന്നു കാണിച്ച് ജനന സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതാണ്.

4.10 ദത്തെടുക്കുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷനായി അപേക്ഷ ലഭിച്ച് പരമാവധി പത്തു ദിവസത്തിനകം എല്ലാ നടപടിക്രമങ്ങളും പൂർത്തീകരിച്ച് സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ്.

4.11 ഈ മാർഗ്ഗനിർദ്ദേശങ്ങൾ, അനാഥമന്ദിരം, ശിശുക്ഷേമകേന്ദ്രം തുടങ്ങിയ ഏജൻസികളിൽ നിന്നും ദത്തെടുക്കുന്ന/ഗാർഡിയൻഷിപ്പ് ലഭിക്കുന്ന കുട്ടികളെ ഉദ്ദേശിച്ചുള്ളതാണെങ്കിലും, സ്വന്തക്കാരിൽ നിന്നും സുഹൃത്തുക്കളിൽ നിന്നും ദത്തെടുക്കുന്ന കുട്ടികളുടെ ജനന രജിസ്ട്രേഷന്റെ കാര്യത്തിലും ഈ നിബന്ധന ബാധകമാണ്. ഇത്തരത്തിൽ ദത്തെടുക്കുന്ന കുട്ടിയുടെ ജനനം നേരത്തേ രജിസ്റ്റർ ചെയ്തിട്ടുണ്ടെങ്കിൽ സ്ഥലത്തെ മജിസ്ട്രേട്ടിന്റെ ഉത്തരവുപ്രകാരം ദത്തെടുത്ത മാതാപിതാക്കളുടെ പേര് ഉൾപ്പെടുത്തി രണ്ടാമത് സർട്ടിഫിക്കറ്റ് നൽകിയാൽ മതിയാകും.

5. വിദേശത്തു നടന്ന ജനന-മരണങ്ങളുടെ രജിസ്ട്രേഷൻ

5.1 ഇന്ത്യൻ പൗരന്മാരുടെ, ഇന്ത്യയ്ക്ക് വെളിയിലുള്ള ജനനവും മരണവും രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള പ്രത്യേക വ്യവസ്ഥകൾ ആക്ടിന്റെ 20-ാം വകുപ്പിൽ ഉൾക്കൊള്ളിച്ചിരിക്കുന്നു. ഇതനുസരിച്ച് 1956 ലെ സിറ്റിസൻസ് (ഇന്ത്യൻ കോൺസുലേറ്റുകളിലെ രജിസ്ട്രേഷൻ) ചട്ടങ്ങൾ പ്രകാരം ഇന്ത്യൻ പൗരന്മാരുടെ ഇന്ത്യയ്ക്ക് വെളിയിലുള്ള എല്ലാ ജനനവും മരണവും ഇന്ത്യൻ കോൺസുലേറ്റുകളിൽ രജിസ്റ്റർ ചെയ്യാവുന്നതാണ്. ചട്ടം നിലവിൽ വരുന്നതിനു മുമ്പു നടന്ന ജനന മരണങ്ങളും രജിസ്റ്റർ ചെയ്യുന്നതിനും സർട്ടിഫിക്കറ്റ് നൽകുന്നതിനുമുള്ള വ്യവസ്ഥ മേൽപ്പറഞ്ഞ ചട്ടങ്ങളിലുണ്ട് ഇന്ത്യൻ കോൺസുലേറ്റുകളിലല്ലാതെ വിദേശരാജ്യങ്ങളുടെ രജിസ്ട്രേഷൻ ആഫീസുകളിൽ നടത്തുന്ന ജനന-മരണ രജിസ്ട്രേഷനുകൾ ആക്ട് പ്രകാരം നടത്തിയതായി കണക്കാക്കപ്പെടുന്നതല്ല.

5.2 ഇന്ത്യയ്ക്ക് വെളിയിൽ ജനിച്ച ഏതെങ്കിലും കുട്ടിയെ സംബന്ധിച്ച് 20-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ വ്യവസ്ഥചെയ്തിട്ടുള്ള പ്രകാരം രജിസ്ട്രാർ ജനറലിന് വിവരം ലഭിച്ചിട്ടില്ലാത്ത സംഗതിയിൽ, കുട്ടിയുടെ മാതാപിതാക്കൾ ഇന്ത്യയിൽ സ്ഥിരവാസമാക്കണമെന്ന ഉദ്ദേശ്യത്തോടുകൂടി തിരിച്ചുവന്നാൽ ആ കുട്ടി ഇന്ത്യയിലെത്തിയ തീയതി മുതൽ 60 ദിവസത്തിനകം രജിസ്ട്രേഷൻ നടത്തുന്നതിന് (2)-ാം ഉപവകുപ്പു പ്രകാരം വ്യവസ്ഥയുണ്ട്. എന്നാൽ, രജിസ്ട്രാർ ജനറലിന് വിവരം ലഭിച്ചിട്ടുണ്ടോ എന്ന കാര്യം പരിഗണിക്കാതെ തന്നെ, ഇത്തരം എല്ലാ ജനനങ്ങളും മാതാപിതാക്കളുടെ ഇന്ത്യയിലെ താമസസ്ഥലത്തെ യൂണിറ്റിൽ രജിസ്റ്റർ ചെയ്യാവുന്നതാണെന്ന് രജിസ്ട്രാർ ജനറൽ, 5-7-95 ലെ 30 (1) (IN)/93-VS(FR), 4-6-08 ലെ 1/5/97-VS(CRS Rules) നമ്പർ കത്തുകൾ മുഖേന അറിയിച്ചിട്ടുണ്ട്. ഇതിലേക്കായി കുട്ടിയുടെ ജനനം സംബന്ധിച്ച രേഖയോടൊപ്പം തങ്ങൾ ഇന്ത്യയിൽ സ്ഥിരതാമസമാക്കാൻ ഉദ്ദേശിക്കുന്നു എന്ന

സത്യവാങ്മൂലം 100 (നൂറ്) രൂപയിൽ കുറയാത്ത മുഖവിലയുള്ള മുദ്രപത്രത്തിൽ ഒപ്പിട്ട് മാതാപിതാക്കൾ ഹാജരാക്കേണ്ടതാണ്.

5.3 മേൽപ്പറഞ്ഞ പ്രകാരം വിദേശത്തു നടന്ന ഒരു ജനനം ആ കുട്ടി ഇന്ത്യയിലെത്തിയ തീയതി മുതൽ 60 ദിവസത്തിനകം രജിസ്റ്റർ ചെയ്തില്ലെങ്കിൽ പിന്നീട് 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ആക്റ്റിലെ 13--ാം വകുപ്പിലെ വ്യവസ്ഥകൾക്കു വിധേയമായി രജിസ്ട്രേഷൻ നടത്താവുന്നതാണ്.

5.4 വിദേശത്തു നടക്കുന്ന മരണങ്ങളുടെ രജിസ്ട്രേഷൻ ഇന്ത്യയിൽ നടത്താവുന്നതല്ല.

6. ജനന രജിസ്ട്രേഷനിൽ പേരു ചേർക്കൽ

6.1 കുട്ടിയുടെ പേരു ചേർക്കാതെ നടത്തുന്ന രജിസ്ട്രേഷനുകളിൽ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 14--ാം വകുപ്പും ചട്ടങ്ങളിലെ 10-ാം ചട്ടവും അനുസരിച്ചാണ് കുട്ടിയുടെ പേരു ചേർക്കേണ്ടത്. രജിസ്ട്രേഷൻ തീയതി മുതൽ ഒരുവർഷത്തിനകം കുട്ടിയുടെ പേരു ചേർക്കേണ്ടതും അതിനുശേഷം 5 രൂപ ലേറ്റ് ഫീ ഒടുക്കി പേരു ചേർക്കാവുന്നതുമാണ്. മാതാപിതാക്കളുടെ രേഖാമൂലമുള്ള സംയുക്താപേക്ഷ പ്രകാരമാണ് പേര് ചേർക്കേണ്ടത്. സംയുക്താപേക്ഷ സമർപ്പിക്കാൻ കഴിയാത്ത സാഹചര്യമുണ്ടെങ്കിൽ, അതു വിലയിരുത്തി മാതാപിതാക്കളിൽ ഒരാളിന്റെയോ പ്രായപൂർത്തിയായിട്ടുണ്ടെങ്കിൽ കുട്ടിയുടെതന്നെയോ അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ പേരുചേർക്കാവുന്നതാണ്. മാതാപിതാക്കൾ ജീവിച്ചിരിപ്പില്ലാത്ത സംഗതിയിൽ നിയമാനുസൃത രക്ഷകർത്താവിന്റെ അപേക്ഷ പ്രകാരം പേരു ചേർക്കാവുന്നതാണ്. പേര് ചേർക്കുമ്പോൾ, പേരിനൊപ്പം ഇനിഷ്യലോ, സ്ഥലപ്പേരോ, സർനെയിമോ ജാതിപ്പേരോ ഉണ്ടെങ്കിൽ നിർബന്ധമായും എഴുതേണ്ടതാണ്.

6.2 മാതാപിതാക്കളുടെ അറിവു കൂടാതെ പേര് ചേർത്തതായുള്ള പരാതികൾ ഒഴിവാക്കുന്നതിനായി പേരു ചേർക്കുന്നതിനുള്ള അപേക്ഷയോടൊപ്പം കേന്ദ്ര തെരഞ്ഞെടുപ്പു കമ്മീഷൻ അംഗീകരിച്ചിട്ടുള്ള ഏതെങ്കിലും തിരിച്ചറിയൽ രേഖയുടെ പകർപ്പുകൂടി ഹാജരാക്കേണ്ടതാണ്.

6.3 ആറു വയസിനുശേഷമാണ് പേരു ചേർക്കുന്നതെങ്കിൽ മാതാപിതാക്കൾക്ക് ജനിച്ചിട്ടുള്ള എല്ലാ കുട്ടികളുടെയും പേര്, ജനനതീയതി, ജനനക്രമം, ജീവിച്ചിരിക്കുന്നുവോ ഇല്ലയോ എന്നിവ വ്യക്തമാക്കുന്ന നിശ്ചിത ഫാറത്തിലുള്ള സത്യവാങ്മൂലം മാതാപിതാക്കൾ ഒപ്പിട്ടു നൽകേണ്ടതാണ്.

6.4 സ്കൂളിൽ ചേർന്ന ശേഷമാണ് ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെ പേരു ചേർക്കുന്നതെങ്കിൽ സ്കൂൾരേഖയുടെ ശരിപ്പകർപ്പു കൂടി വാങ്ങേണ്ടതും ജനന രജിസ്ട്രേഷനിലെയും സ്കൂൾരേഖയിലെയും ജനന തീയതികൾ തമ്മിൽ പത്തുമാസത്തിലധികം വ്യത്യാസമുണ്ടെങ്കിൽ മാതാപിതാക്കളുടെ ജീവിച്ചിരിക്കുന്നതും മരിച്ചതുമായ എല്ലാ കുട്ടികളുടെയും ജനനതീയതി തെളിയിക്കുന്ന രേഖകൾ കൂടി ഹാജരാക്കേണ്ടതും ജില്ലാ ജനന മരണ രജിസ്ട്രാറുടെ അനുവാദം വാങ്ങേണ്ടതുമാണ്. ജനന തീയതി തെളിയിക്കുന്നതിന് സ്കൂൾ രേഖ, ജനന സർട്ടിഫിക്കറ്റ്, ആശുപത്രി രേഖ പാസ്പോർട്ട് തുടങ്ങിയ ജനനതീയതി രേഖപ്പെടുത്തിയിട്ടുള്ള ഏതൊരു രേഖയും സ്വീകരിക്കാവുന്നതാണ്. ജനനതീയതി രേഖപ്പെടുത്തിയ ഒരു രേഖയും ലഭ്യമല്ലെങ്കിൽ അക്കാര്യം വ്യക്തമാക്കുന്ന സത്യവാങ്മൂലത്തോടൊപ്പം വയസ് തെളിയിക്കുന്ന ഏതെങ്കിലും രേഖ നൽകിയാൽ മതിയാകുന്നതാണ്.

6.5 സ്കൂളിൽ ചേർന്ന ശേഷം പേരു ചേർക്കുന്നത് സ്കൂൾ രേഖയിലെപ്പോലെയാണ് എന്നതിനാൽ മാതാപിതാക്കളുടെ സംയുക്താപേക്ഷയോ തിരിച്ചറിയൽ രേഖയുടെ പകർപ്പോ നിർബന്ധമില്ല.

6.6 ജനന രജിസ്ട്രേഷനിൽ ആദ്യമായി പേരു ചേർക്കുമ്പോഴും ജനന റിപ്പോർട്ടുകളിൽ മാതാപിതാക്കളുടെ പേര് രേഖപ്പെടുത്തുമ്പോഴും ആവശ്യമെങ്കിൽ സ്കൂൾ രേഖയിലോ മറ്റ് ഔദ്യോഗിക രേഖകളിലോ ഉള്ളപേരിലെ ഇനിഷ്യലിന്റെ വികസിത രൂപം സഹിതം പേരു ചേർക്കാവുന്നതാണ്. (ഉദാ: Ramakrishnan alias Unni)

6.8 1970 ഏപ്രിൽ 1-ാം തീയതിക്കു മുമ്പുള്ള ജനന രജിസ്ട്രേഷനുകളിൽ പേരു ചേർക്കുന്നതിന് ചീഫ് രജിസ്ട്രാറുടെ അനുമതി വാങ്ങേണ്ടതാണ്. അനുമതിക്കുള്ള പ്രൊപ്പോസലുകളിൽ താഴെപ്പറയുന്ന രേഖകൾ അയക്കേണ്ടതാണ്.

1. ചീഫ് രജിസ്ട്രാർക്കുള്ള കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിച്ച അപേക്ഷകൾ

(മാതാപിതാക്കളുടെയും, കുട്ടിയുടെയും)

2. ജനന രജിസ്ട്രേഷന്റെ രജിസ്ട്രാർ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പ്

3. സ്കൂൾ രേഖയുടെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പ്

4. മാതാപിതാക്കൾക്ക് ജനിച്ചിട്ടുള്ള എല്ലാ കുട്ടികളുടെയും പേര്, ജനനതീയതി, ജനനക്രമം, ജീവിച്ചിരിക്കുന്നുവോ ഇല്ലയോ എന്നിവ വ്യക്തമാക്കുന്ന നിശ്ചിത ഫാറത്തിലുള്ള സത്യവാങ്മൂലം.

5. ജനന-മരണ രജിസ്ട്രാറുടെ വിശദമായ അന്വേഷണ റിപ്പോർട്ടും ശുപാർശയും

7. തിരുത്തലുകൾ

7.1 ജനന-മരണ രജിസ്ട്രേഷനുകളിൽ ജനന/മരണ സമയത്തുള്ള വിവരങ്ങളാണ് ഉൾപ്പെടുത്തേണ്ടത്. ഉൾപ്പെടുത്തിയിട്ടുള്ള വിവരങ്ങളിൽ മാറ്റം വരുത്തുന്നതിന് വ്യവസ്ഥയില്ല. എന്നാൽ, സെക്ഷൻ 14 പ്രകാരം, പേര് കൂടാതെ രജിസ്റ്റർ ചെയ്തിട്ടുള്ള ജനനങ്ങളിൽ പേരു ചേർക്കുന്നതിനും സെക്ഷൻ 15 പ്രകാരം, തെറ്റായ ഉൾക്കുറിപ്പുകൾ തിരുത്തുകയോ റദ്ദാക്കുകയോ ചെയ്യുന്നതിനും സാദ്ധ്യമാണ്.

7.2 ജനന മരണ രജിസ്ട്രേഷൻ നിയമം പ്രാബല്യത്തിൽ വന്ന 1-4-1970 നു ശേഷമുള്ള രജിസ്ട്രേഷനുകളിൽ വന്നിട്ടുള്ള തെറ്റുകൾ 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെ 15-ാം വകുപ്പിലെയും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെ 11-ാം ചട്ടത്തിലെയും വ്യവസ്ഥകൾ പാലിച്ചുകൊണ്ട് തിരുത്തുന്നതിനോ റദ്ദാക്കുന്നതിനോ രജിസ്ട്രാർമാർ തന്നെ തീരുമാനമെടുക്കേണ്ടതാണ്. ഇക്കാര്യത്തിൽ അന്വേഷണത്തിനായി അനിശ്ചിതമായി കാലതാമസം വരുത്തുകയോ പ്രസക്തമല്ലാത്ത രേഖകൾ ആവശ്യപ്പെടുകയോ ചെയ്യാൻ പാടില്ല.

7.3 രജിസ്ട്രേഷനുകളിലെ ക്ലെറിക്കൽ തെറ്റുകൾ രജിസ്ട്രാറുടെ ശ്രദ്ധയിൽപ്പെടുമ്പോഴോ ബന്ധപ്പെട്ട കക്ഷികൾ അപേക്ഷ നൽകുമ്പോഴോ അക്കാര്യം അന്വേഷിച്ച് ബോദ്ധ്യപ്പെട്ട് ആവശ്യമായ തിരുത്തൽ വരുത്തേണ്ടതാണ്. അതായത്, ബന്ധപ്പെട്ട വസ്തുതയുടെ നിജസ്ഥിതി തെളിയിക്കുന്നതിനാവശ്യമായ രേഖകൾ (തെളിവുകൾ) ഹാജരാക്കുന്നതിന്റെ അടിസ്ഥാനത്തിൽ ഇത്തരത്തിലുള്ള തെറ്റുകൾ തിരുത്താവുന്നതാണ്. പേരിലോ മറ്റു വിവരങ്ങളിലോ ഉള്ള അക്ഷരത്തെറ്റുകൾ, റിപ്പോർട്ടിലെ വിവരങ്ങൾ രജിസ്റ്ററിലേക്ക് പകർത്തിയതിൽ വന്നിട്ടുള്ള തെറ്റുകൾ എന്നിവ ഈ രീതിയിൽ തിരുത്താവുന്നതാണ്.

7.4 രജിസ്ട്രേഷനുകളിലെ വസ്തുതാപരമായ തെറ്റുകൾ തിരുത്തുന്നതിന് അപേക്ഷിക്കുന്ന കക്ഷി തിരുത്തേണ്ട വസ്തുത സംബന്ധിച്ച് ബോദ്ധ്യമുള്ള രണ്ട് വിശ്വസനീയരായ വ്യക്തികളുടെ (Credible persons) സത്യപ്രസ്താവന ഹാജരാക്കുന്നതിന്റെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ വരുത്തേണ്ടതാണ്. ഇത്തരത്തിലുള്ള തിരുത്തലുകൾക്കായി ബന്ധപ്പെട്ട കക്ഷികൾ രജിസ്ട്രേഷനിലെ തിരുത്തൽ വരുത്തേണ്ട വസ്തുതയെ സംബന്ധിക്കുന്ന സത്യവാങ്മൂലം, അത് തെളിയിക്കുന്നതിനുള്ള രേഖകൾ എന്നിവയ്ക്കു പുറമേ മേൽപ്പറഞ്ഞ പ്രകാരം രണ്ട് വിശ്വസനീയ വ്യക്തികളുടെ ഡിക്ലറേഷനും ഹാജരാക്കേണ്ടതാണ്. ഇവയുടെ അടിസ്ഥാനത്തിൽ രേഖകൾ പരിശോധിച്ചും അന്വേഷണം നടത്തിയും ബോദ്ധ്യപ്പെട്ട് തിരുത്തലിനുള്ള അപേക്ഷയിൽ തീരുമാനമെടുക്കേണ്ടതാണ്.

7.5 മേൽപ്പറഞ്ഞ പ്രകാരം വസ്തുതാപരമായ തെറ്റുകൾ തിരുത്തുന്നതിന് ഹാജരാക്കേണ്ട സത്യപ്രസ്താവന നൽകുന്നതിന് ഗസറ്റഡ് ഉദ്യോഗസ്ഥരെ മാത്രമേ വിശ്വസനീയ വ്യക്തികളായി കണക്കാക്കാൻ കഴിയുകയുള്ളു എന്ന് നിർബന്ധം പാടില്ല. ജനപ്രതിനിധികൾ, അദ്ധ്യാപകർ, ഡോക്ടർമാർ, അഭിഭാഷകർ തുടങ്ങിയവരെയും വിശ്വസനീയ വ്യക്തികളായി കണക്കാക്കാവുന്നതാണ്. രജിസ്ട്രേഷനിൽ ഏതെങ്കിലും വിവരം അനുചിതമായോ വഞ്ചനാപൂർവ്വമായോ ഉൾപ്പെടുത്തിയതാണെന്ന് രജിസ്ട്രാർക്ക് ബോദ്ധ്യപ്പെട്ടാൽ അതിന്റെ വിശദവിവരം വ്യക്തമാക്കുന്ന ഒരു റിപ്പോർട്ട് തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കേണ്ടതും ചീഫ് രജിസ്ട്രാറുടെ നിർദ്ദേശപ്രകാരം തുടർനടപടി സ്വീകരിക്കേണ്ടതുമാണ്. ഇത്തരം കേസുകളിൽ സെക്ഷൻ 23 അനുസരിച്ചുള്ള പ്രോസിക്യൂഷൻ നടപടിയും സ്വീകരിക്കേണ്ടതാണ്.

7.6 ജനന രജിസ്റ്ററിൽ ഒരിക്കൽ പേരു ചേർത്തു കഴിഞ്ഞാൽ അത് തിരുത്താവുന്നതല്ല. എന്നാൽ, ജനന സമയത്ത് ഒരു ഓമനപ്പേരിടുകയും അത് രജിസ്റ്ററിൽ ഉൾപ്പെടുത്തുകയും ചെയ്തിട്ടുണ്ടെങ്കിൽ ശരിയായ പേര് ചേർക്കുന്നതിന് മാതാപിതാക്കൾ അപേക്ഷിച്ചാൽ അന്വേഷണം നടത്തി ബോദ്ധ്യപ്പെട്ട് രജിസ്ട്രാർക്കു തന്നെ അത് അനുവദിക്കാവുന്നതാണ്. മാതാപിതാക്കളുടെ അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ പേരു ചേർത്ത കേസുകളിലും കുട്ടിയെ സ്ക്കൂളിൽ ചേർക്കുന്നതിനു മുമ്പായി ഒരു പ്രാവശ്യം തിരുത്തൽ അനുവദിക്കാവുന്നതാണ്. രജിസ്ട്രേഷനുകളിൽ വന്നിട്ടുള്ള അക്ഷരത്തെറ്റുകളും മാതാപിതാക്കളുടെ വിളിപ്പേരുകളും ബോദ്ധ്യപ്പെട്ട് തിരുത്തുന്നതിനും രജിസ്ട്രാർക്ക് അധികാരമുണ്ട്. മാതാപിതാക്കളുടെ വിളിപ്പേരാണ് രജിസ്റ്ററിൽ ചേർത്തിരിക്കുന്നതെങ്കിൽ (മാതാപിതാക്കളുടെ) സ്ക്കൂൾ രേഖയുടെയും അന്വേഷണത്തിന്റെയും അടിസ്ഥാനത്തിൽ സ്ക്കൂൾ രേഖയിലേതുപോലെ തിരുത്താവുന്നതാണ്. സ്ക്കൂൾ രേഖ ലഭ്യമല്ലെന്ന് ബോദ്ധ്യപ്പെട്ടാൽ ആധാരം, പെൻഷൻ പേയ്മെന്റ് ഓർഡർ, ഗവൺമെന്റ് സർവ്വീസിൽ ജോലി ചെയ്യുന്നവർക്ക് അവിടെനിന്നും ലഭിക്കുന്ന സർട്ടിഫിക്കറ്റ്, സമ്മതിദായക പട്ടിക, ഇലക്ടറൽ തിരിച്ചറിയൽ കാർഡ്, റേഷൻ കാർഡ് എന്നിവയിൽ ഏതെങ്കിലും ഒരു രേഖയുടെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ വരുത്താവുന്നതാണ്.

7.7 ജനനം നടക്കുമ്പോൾ മാതാപിതാക്കൾ താമസിക്കുന്ന വിലാസമാണ് ജനന രജിസ്ട്രേഷനിൽ ഉൾപ്പെടുത്തേണ്ടത്. ഇത് വേറൊരു വിലാസമായി തിരുത്താൻ പാടില്ല. എന്നാൽ അക്ഷരത്തെറ്റുകളും വിലാസത്തിലെ ഏതെങ്കിലും ഒരു ഭാഗം വിട്ടുപോയിട്ടുണ്ടെങ്കിലോ, അധികമായി ചേർത്തിട്ടുണ്ടെങ്കിലോ അവ ബോദ്ധ്യപ്പെട്ട്, രജിസ്ട്രാർക്കു തന്നെ തിരുത്തുകയോ കൂട്ടിച്ചേർക്കുകയോ നീക്കുകയോ ചെയ്യാവുന്നതാണ്. കൂടാതെ, തെറ്റായ വിലാസം രജിസ്ട്രേഷനിൽ ചേർത്തുപോയിട്ടുണ്ടെങ്കിൽ കുട്ടിയുടെ

ജനന സമയത്ത് പ്രാബല്യത്തിലുള്ള, മാതാപിതാക്കളുടെ വിലാസം വ്യക്തമാക്കുന്ന ഏതെങ്കിലും രേഖയുടെ അടിസ്ഥാനത്തിൽ തിരുത്തൽ അനുവദിക്കാവുന്നതാണ്. ആധാരം, പെൻഷൻ, പേയ്മെന്റ് ഓർഡർ, സമ്മതിദായക പട്ടിക, ഇലക്ടറൽ തിരിച്ചറിയൽ കാർഡ്, റേഷൻ കാർഡ് തുടങ്ങിയവ തെളിവായി സ്വീകരിക്കാവുന്നതാണ്. മരണരജിസ്ട്രേഷനിലെ മരിച്ചയാളുടെ മേൽവിലാസവും ഇതുപോല തിരുത്താവുന്നതാണ്.

7.8 15-ാം വകുപ്പിലെയും 11-ാം ചട്ടത്തിലെയും വ്യവസ്ഥകൾ പാലിച്ചുകൊണ്ട് മേൽപ്പറഞ്ഞ പ്രകാരമുള്ള തിരുത്തലുകൾ വരുത്തുമ്പോൾ തിരുത്തൽ സംബന്ധിച്ച നടപടിക്രമങ്ങൾ പ്രത്യേകം ഫയലിൽ സൂക്ഷിക്കേണ്ടതും ഏതെല്ലാം രേഖകളുടെ അടിസ്ഥാനത്തിലാണ് തിരുത്തൽ വരുത്തിയതെന്ന വിവരം രജിസ്റ്ററിലെ റിമാർക്സ് കോളത്തിൽ രേഖപ്പെടുത്തേണ്ടതുമാണ്.

7.9 കുട്ടിയുടെ പേരിനൊപ്പം ഇനിഷ്യൽ, ജാതിപ്പേര്, സർനെയിം എന്നിവ ചേർക്കാത്ത ജനന രജിസ്ട്രേഷനുകളിൽ പിന്നീട് അവ ചേർക്കുന്നതിന്, മാതാപിതാക്കളുടെ അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ, അന്വേഷിച്ച് ബോദ്ധ്യപ്പെട്ട് രജിസ്ട്രാർക്കു തന്നെ അനുവദിക്കാവുന്നതാണ്. കുട്ടിയുടെ യഥാർത്ഥ പേര് ഇനിഷ്യലും സർനെയിമും ചേർന്നുള്ളതാണെങ്കിൽ ഇവ രണ്ടും ചേർക്കാവുന്നതാണ്. കൂടാതെ ഇനിഷ്യൽ, ജാതിപ്പേര്, സർനെയിം എന്നിവ ഒഴിവാക്കുന്നതിനുള്ള അപേക്ഷകളും ഇതുപോലെ അനുവദിക്കാവുന്നതാണ്.

7.10 ഗസറ്റ് വിജ്ഞാപനം വഴി പേര് മാറ്റിയാൽ അതിൻ പ്രകാരം ജനന രജിസ്ട്രേഷനിൽ കുട്ടിയുടെയോ മാതാപിതാക്കളുടെയോ പേര് തിരുത്താവുന്നതല്ല. ജനന സർട്ടിഫിക്കറ്റിനൊപ്പം ഗസറ്റ് വിജ്ഞാപനത്തിന്റെ പകർപ്പും നോട്ടറി മുമ്പാകെയുള്ള സത്യവാങ്മൂലവും ചേർത്ത് നിയമപരമായ ആവശ്യങ്ങൾക്ക് ഉപയോഗിക്കാവുന്നതാണ്. മാതാവിന്റെ പേരിനൊപ്പം പിതാവിന്റെ പേര് കൂട്ടിച്ചേർത്തും മാതാപിതാക്കളുടെയോ കുട്ടിയുടെയോ ഇനിഷ്യലുകൾ വികസിപ്പിച്ചുമുള്ള തിരുത്തലുകൾ അനുവദനീയമല്ലെന്ന് രജിസ്ട്രാർ ജനറൽ ഓഫ് ഇന്ത്യ കേന്ദ്ര നിയമ മന്ത്രാലയവുമായി ആലോചിച്ചശേഷം വ്യക്തമാക്കിയിട്ടുള്ളതാണ്. എന്നാൽ ഗസറ്റ് വിജ്ഞാപനം വഴി മാറ്റിയ പേര് alias ചേർത്ത് നൽകാവുന്നതാണ്.

7.11 തിരുത്തലുകൾ അനുവദിക്കുമ്പോൾ മുമ്പു വാങ്ങിയ സർട്ടിഫിക്കറ്റുകൾ തിരികെ വാങ്ങി റദ്ദാക്കേണ്ടതാണ്. എന്നാൽ സർട്ടിഫിക്കറ്റുകൾ നഷ്ടപ്പെട്ടു പോയതിനാലോ ഏതെങ്കിലും അധികാരി മുമ്പാകെ സമർപ്പിച്ചതിനാലോ തിരികെ നൽകാൻ സാധിക്കാതെ വന്നാൽ അക്കാര്യം വ്യക്തമാക്കുന്നതും ഒരു നോട്ടറി പബ്ലിക് / ഗസറ്റഡ് ഓഫീസർ മുമ്പാകെ ഒപ്പിട്ട ഒരു സത്യവാങ്മൂലം ഹാജരാക്കിയാൽ മതിയാകും.

7.12 01.4.1970 നു മുമ്പുള്ള രജിസ്ട്രേഷനുകളിലെ എല്ലാ തിരുത്തലുകൾക്കും ചീഫ് രജിസ്ട്രാറുടെ അനുമതി വാങ്ങേണ്ടതാണ്.

7.13 തിരുത്തലുകൾക്കുള്ള അപേക്ഷകൾ നിയമ പ്രകാരം അനുവദനീയമാണോ എന്ന് പരിശോധിച്ച് ഉറപ്പുവരുത്തി, വ്യക്തമായ ശുപാർശ സഹിതം മാത്രമേ ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കാൻ പാടുള്ളു. പ്രൊപ്പോസലുകളിൽ താഴെപ്പറയുന്ന രേഖകൾ ഉൾപ്പെടുത്തിയിരിക്കണം.

1. ചീഫ് രജിസ്ട്രാർക്കുള്ള കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിച്ച അപേക്ഷ
2. ജനന/മരണ രജിസ്ട്രേഷന്റെ രജിസ്ട്രാർ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പ്
3. സ്കൂൾ രേഖയുടെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പ്
4. ജനനം / മരണം റിപ്പോർട്ടു ചെയ്ത വ്യക്തിയുടെ അപേക്ഷ (വ്യക്തി ജീവിച്ചിരിപ്പില്ലെങ്കിൽ അതു സംബന്ധമായ സത്യവാങ്മൂലം)
5. മാതാപിതാക്കൾക്ക് ജനിച്ചിട്ടുള്ള എല്ലാ കുട്ടികളുടെയും പേര്, ജനനതീയതി, ജനനക്രമം, ജീവിച്ചിരിക്കുന്നുവോ ഇല്ലയോ എന്നിവ വ്യക്തമാക്കുന്ന നിശ്ചിത ഫാറത്തിലുള്ള സത്യവാങ്മൂലം (ജനന രജിസ്ട്രേഷനിലെ തിരുത്തലുകൾക്ക്)
6. ജനന-മരണ രജിസ്ട്രാറുടെ വിശദമായ അന്വേഷണ റിപ്പോർട്ടും ശുപാർശയും
7. ഒരു പേര് മറ്റൊന്നായി തിരുത്തുന്നതിന് റവന്യൂ അധികാരികളിൽ നിന്നുള്ള സാക്ഷ്യപത്രം
8. 11-ാം ചട്ടം (2)-ാം ഉപചട്ട പ്രകാരം രണ്ട് ഗസറ്റഡ് ഉദ്യോഗസ്ഥരിൽ നിന്നുള്ള ഡിക്ലറേഷൻ
9. ആശുപത്രികളിൽ നിന്ന് റിപ്പോർട്ടു ചെയ്ത കേസുകളിൽ തിരുത്തലിന് ആശുപത്രി അധികാരികളുടെ തിരുത്തൽ കത്തും ജനന രജിസ്ട്രേഷനിലെ തിരുത്തലുകൾക്ക് ഗൈനക് രജിസ്റ്ററിന്റെ സാക്ഷ്യപ്പെടുത്തിയ പകർപ്പും
10. തിരുത്തപ്പെടേണ്ട വിവരം തെളിയിക്കുന്ന മറ്റ് ആധികാരിക രേഖകളുടെ സാക്ഷ്യപ്പെടുത്തിയപകർപ്പ്

7.15 രജിസ്റ്ററിൽ തിരുത്തൽ വരുത്തുമ്പോൾ, സെക്ഷൻ 15-ൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതുപോലെ, ഒറിജിനൽ എൻട്രിയിൽ മാറ്റം വരുത്താതെ മാർജിനിൽ അനുയോജ്യമായ തിരുത്തലുകൾ സംബന്ധിച്ച് 11-ാം ചട്ട പ്രകാരം പകർപ്പുകൾ തയ്യാറാക്കി ചീഫ് രജിസ്ട്രാർക്ക് അയക്കേണ്ടതുമാണ്. ഇക്കാര്യങ്ങൾ പ്രാവർത്തികമാക്കുന്നുണ്ടെന്ന് ജില്ലാ രജിസ്ട്രാർമാർ ഉറപ്പാക്കേണ്ടതാണ്.

8. സർട്ടിഫിക്കറ്റുകൾ

8.1 സർട്ടിഫിക്കറ്റുകൾ നൽകുമ്പോൾ രജിസ്റ്ററിൽ ഇല്ലാത്ത വിവരങ്ങൾ ഉൾപ്പെടുത്തി നൽകാൻ പാടില്ല. എന്നാൽ രജിസ്റ്ററിലെ ഏതെങ്കിലും ഒരു കോളത്തിൽ വിവരം രേഖപ്പെടുത്തിയിട്ടില്ലെങ്കിൽ അത് ബന്ധപ്പെട്ട രേഖകളുടെ അടിസ്ഥാനത്തിൽ തിരുത്തലിന്റെ നടപടിക്രമങ്ങൾ പാലിച്ച് രജിസ്റ്ററിൽ ഉൾപ്പെടുത്താവുന്നതും അതനുസരിച്ച് സർട്ടിഫിക്കറ്റ് നൽകാവുന്നതുമാണ്.

8.2 മേൽവിലാസം സംബന്ധിച്ച വിവരം ഉൾക്കൊള്ളിക്കുന്നതിനുള്ള കോളം ഇല്ലാത്ത രജിസ്ട്രേഷനുകളുടെ സർട്ടിഫിക്കറ്റുകളിൽ പ്രസ്തുത ഇനങ്ങൾക്കു നേരെ "ലഭ്യമല്ല" എന്ന് മലയാളത്തിലും "Not Available" എന്ന് ഇംഗ്ലീഷിലും രേഖപ്പെടുത്തേണ്ടതാണ്. റിമാർക്സ് കോളത്തിൽ "മേൽവിലാസം രേഖപ്പെടുത്തുന്നതിനുള്ള കോളങ്ങൾ രജിസ്റ്ററിൽ ഇല്ല" എന്നും "The original records do not contain the column relating to address" എന്നും രേഖപ്പെടുത്തേണ്ടതാണ്.

8.3 ജനന മരണ രജിസ്ട്രേഷനുകളുടെ കമ്പ്യൂട്ടർവൽക്കരണം പൂർത്തിയാക്കിയ തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ജനന മരണ സർട്ടിഫിക്കറ്റുകൾ www.cr.lsgkerala.gov.in എന്ന വെബ്സൈറ്റിൽ നിന്ന് യഥേഷ്ടം ഡൗൺലോഡ് ചെയ്ത് എടുക്കാവുന്നതാണ്. ഇത്തരത്തിൽ ഓൺലൈനായി ലഭിക്കുന്ന കമ്പ്യൂട്ടർ പ്രിന്റഡ് സർട്ടിഫിക്കറ്റുകൾ ആധികാരിക രേഖയാണ്. സ്ക്കൂൾ പ്രവേശനത്തിനുൾപ്പെടെ ഈ സർട്ടിഫിക്കറ്റ് മതിയാകുന്നതും സർട്ടിഫിക്കറ്റിന്റെ ആധികാരികത ബന്ധപ്പെട്ട അധികാരിക്ക് മേൽപ്പറഞ്ഞ വെബ്സൈറ്റിൽ പരിശോധിച്ച് ഉറപ്പു വരുത്താവുന്നതുമാണ്.

9. രജിസ്റ്ററുകളുടെ സൂക്ഷിപ്പ്

9.1 1999-ലെ ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങൾ അനുസരിച്ച്, വിവരം നൽകുന്ന ഫാറങ്ങളിലെ (ഫാറം നമ്പർ 1,2,3) ലീഗൽ പാർട്ടാണ് ജനന / മരണ/ നിർജ്ജീവ ജനന രജിസ്റ്ററുകളുടെ പേജുകളായി മാറുന്നത്. എന്നാൽ, പ്രസ്തുത ഷീറ്റുകൾ ബൈന്റു ചെയ്യുന്നതുവരെ സുരക്ഷിതമായി സൂക്ഷിക്കുന്നതിലെ ബുദ്ധിമുട്ട്, യഥാർത്ഥ ഷീറ്റുകൾ മാറ്റി പകരം ഷീറ്റുകൾ ഉൾപ്പെടുത്തുന്നതിനുള്ള സാധ്യത എന്നിവ കണക്കിലെടുത്തും, ദൈനംദിന ആവശ്യങ്ങൾക്ക് ഉപയോഗിക്കുന്നതിനും യഥാർത്ഥ രജിസ്റ്ററിന് കേടുപാടുണ്ടാകാതെ സൂക്ഷിക്കുന്നതിനുമായി, അച്ചടിച്ച് ബൈന്റുചെയ്ത രജിസ്റ്ററുകളിൽ റിപ്പോർട്ട് ഫാറങ്ങളിലെ വിവരങ്ങൾ പകർത്തിയെഴുതി സൂക്ഷിക്കുന്നതിന് നിർദ്ദേശിച്ചിട്ടുള്ളതാണ്. കമ്പ്യൂട്ടർവൽക്കരിച്ചിട്ടുള്ള രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ ഇപ്രകാരമുള്ള രജിസ്റ്ററുകൾക്കു പകരം, കമ്പ്യൂട്ടർ പ്രിന്റൗട്ട് മാസംതോറും അല്ലെങ്കിൽ ദൈവാരമായോ ആഴ്ചതോറുമോ എടുത്ത് ബൈന്റ് ചെയ്ത്, രജിസ്ട്രാർ ഒപ്പിട്ട് രജിസ്റ്ററായി സൂക്ഷിച്ചാൽ മതിയാകുന്നതാണ്.

9.2 പേരു ചേർക്കൽ, തിരുത്തൽ മുതലായവ മുഖേനയുള്ള മാറ്റങ്ങൾ യഥാർത്ഥ രജിസ്ട്രേഷനിലും (Legal part) മേൽപ്പറഞ്ഞ നിർദ്ദേശപ്രകാരം സൂക്ഷിക്കുന്ന രജിസ്റ്ററിലും വരുത്തേണ്ടതും കമ്പ്യൂട്ടർവൽക്കരിച്ച യൂണിറ്റുകളിൽ കമ്പ്യൂട്ടർ ഡാറ്റാബേസിൽ ആവശ്യമായ മാറ്റങ്ങൾ വരുത്തിയെന്ന് ഉറപ്പാക്കേണ്ടതുമാണ്.

9.3 സ്ഥിരരേഖയായി സൂക്ഷിക്കേണ്ട ജനന മരണ രജിസ്റ്ററുകൾ സൂക്ഷ്മതയോടെ കൈകാര്യം ചെയ്യുന്നതിന് സെക്ഷന്റെ ചുമതലയുള്ള ഉദ്യോഗസ്ഥരും രജിസ്ട്രാർമാരും അതീവ ജാഗ്രത പുലർത്തേണ്ടതും ജനന മരണ രജിസ്റ്ററുകളുടെ സ്റ്റോക്ക് രജിസ്റ്റർ തയ്യാറാക്കി സൂക്ഷിക്കേണ്ടതുമാണ്. ഉദ്യോഗസ്ഥരുടെ സ്ഥലംമാറ്റങ്ങൾ നടപ്പിൽ വരുത്തുമ്പോൾ എല്ലാ രജിസ്റ്ററുകളും, രജിസ്ട്രേഷനുമായി ബന്ധപ്പെട്ട ഫയലുകളും കൃത്യമായി രേഖാമൂലം കൈമാറ്റം ചെയ്തുവെന്ന് ഉറപ്പാക്കേണ്ടതുമാണ്.

9.4 26.4.2009-ലെ 5078/ഐബി1/2009/തസ്വഭവ നമ്പർ ഗവൺമെന്റ് സർക്കുലറിലെ നിർദ്ദേശപ്രകാരം നിലവിലുള്ള രജിസ്ട്രേഷൻ രേഖകൾ ഡിജിറ്റൈസ് ചെയ്യുന്നതിനുള്ള നടപടികൾ എല്ലാ ജനന മരണ രജിസ്ട്രാർമാരും സ്വീകരിക്കേണ്ടതാണ്.

10. അപേക്ഷകൾ കൈകാര്യം ചെയ്യൽ

10.1 വിവിധ ആവശ്യങ്ങൾക്കായി രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ പൊതുജനങ്ങൾ സമർപ്പിക്കുന്ന അപേക്ഷകൾ കാര്യക്ഷമമായും കാലതാമസം കൂടാതെയും കൈകാര്യം ചെയ്യുന്നതിനുള്ള സംവിധാനം യൂണിറ്റുകളിൽ ഏർപ്പെടുത്തേണ്ടതാണ്.

10.2 ലഭിക്കുന്ന എല്ലാ അപേക്ഷകൾക്കും അതിൽ ആവശ്യപ്പെട്ടിട്ടുള്ള സേവനം ലഭ്യമാക്കുന്ന തീയതി കൂടി വ്യക്തമാക്കുന്ന രസീത് നൽകേണ്ടതാണ്. 7 ദിവസങ്ങൾക്കുള്ളിൽ സേവനം ലക്ഷ്യമാക്കേണ്ടതാണ്.

10.3 അപേക്ഷയിൽ അപേക്ഷകന്റെ ഫോൺ നമ്പർ രേഖപ്പെടുത്താൻ കോളം ഉണ്ടായിരിക്കേണ്ടതാണ്. നിശ്ചിത സമയത്തിനുള്ളിൽത്തന്നെ ആവശ്യപ്പെട്ട സേവനം ലഭ്യമാക്കേണ്ടതും അതിനു കഴിയാത്ത സാഹചര്യമുണ്ടെങ്കിൽ പ്രസ്തുത വിവരം അപേക്ഷകനെ ഫോൺ മുഖേനയും രേഖാമൂലവും അറിയിക്കേണ്ടതുമാണ്.

10.4 സേവനം ലഭ്യമാക്കുന്നതിൽ അപേക്ഷ ലഭിക്കുന്നതിന്റെ മുൻഗണനാക്രമം കർശനമായി പാലിക്കേണ്ടതാണ്. എന്നാൽ അടിയന്തിര ആവശ്യം ബോദ്ധ്യപ്പെടുത്തിക്കൊണ്ടുള്ള അപേക്ഷയിൽ കാരണം വ്യക്തമാക്കിക്കൊണ്ടുള്ള രജിസ്ട്രാറുടെ രേഖാമൂലമുള്ള അനുവാദത്തോടെ മുൻഗണനാക്രമത്തിൽ ഇളവ് അനുവദിക്കാവുന്നതാണ്.

10.5 നിയമപ്രകാരം അനുവദനീയമല്ലാത്ത കാര്യങ്ങൾക്കായി ലഭിക്കുന്ന അപേക്ഷകളിൽ എത്രയും വേഗം വ്യക്തമായ മറുപടി നൽകണം.

10.6 അപേക്ഷകൾക്ക് നൽകുന്ന രസീതിലും സർട്ടിഫിക്കറ്റുകളിലും മറ്റ് അറിയിപ്പുകളിലും രജിസ്ട്രാറുടെ പൂർണ്ണമായ തപാൽ മേൽവിലാസവും ഫോൺ നമ്പരും രേഖപ്പെടുത്തിയിരിക്കേണ്ടതാണ്.

10.7 വിവിധ സേവനങ്ങൾക്കായി സമർപ്പിക്കുന്ന അപേക്ഷകളോടൊപ്പം ഹാജരാക്കേണ്ട രേഖകളും ഒടുക്കേണ്ട ഫീസും വ്യക്തമാക്കുന്ന ചെക്ക് ലിസ്റ്റ് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു. പ്രസക്തമല്ലാത്ത രേഖകൾ ആവശ്യപ്പെടാൻ പാടില്ല. പ്രത്യേകം നിഷ്കർഷിച്ചിട്ടുള്ള കേസുകളിലൊഴികെ നോട്ടറി പബ്ലിക് / ഗസറ്റഡ് ഓഫീസർ സാക്ഷ്യപ്പെടുത്തിയ സത്യവാങ്മൂലം ആവശ്യപ്പെടാൻ പാടില്ല.

10.8 സർട്ടിഫിക്കറ്റുകളിൽ പതിക്കുന്ന രജിസ്ട്രാർമാരുടെ ഔദ്യോഗിക സീലിൽ പേര്, ഔദ്യോഗിക പദവി എന്നിവയും സംസ്ഥാനത്തിന്റെയും രാജ്യത്തിന്റെയും പേരുൾപ്പെടെയുള്ള പൂർണ്ണമായ തപാൽ മേൽവിലാസവും ഉൾപ്പെടുത്തേണ്ടതാണ്.

10.9 സർട്ടിഫിക്കറ്റുകൾ തപാലിൽ ലഭിക്കണമെന്ന് ആവശ്യപ്പെടുന്നവർക്ക് 17-ാം വകുപ്പിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള പ്രകാരം, ആവശ്യമായ ഫീസിനു പുറമെ തപാൽ ചാർജ്ജ് കൂടി ഈടാക്കിക്കൊണ്ട് അയച്ചു കൊടുക്കേണ്ടതാണ്.

10.10 ചീഫ് രജിസ്ട്രാറുടെ അനുമതി ആവശ്യമുള്ള അപേക്ഷകളിന്മേൽ രജിസ്ട്രാർ അന്വേഷണം നടത്തി ബോദ്ധ്യപ്പെട്ട്, വ്യക്തമായ ശുപാർശയോടെയും ആവശ്യമായ രേഖകൾ സഹിതവുമുള്ള പ്രൊപ്പോസൽ സമർപ്പിക്കേണ്ടതാണ്. രേഖകളുടെ പകർപ്പുകൾ അപേക്ഷയോടൊപ്പം ഉള്ളടക്കം ചെയ്യുമ്പോൾ അവ നിർബന്ധമായും സാക്ഷ്യപ്പെടുത്തിയിരിക്കണം.

10.11 അപേക്ഷകൾ നിരസിക്കേണ്ടി വരുന്ന സന്ദർഭങ്ങളിൽ, രജിസ്ട്രാറുടെ അന്വേഷണത്തിൽ ബോദ്ധ്യപ്പെട്ട വസ്തുതകളുടെയും നിയമ വ്യവസ്ഥകളുടെയും അടിസ്ഥാനത്തിലായിരിക്കണം അപ്രകാരം ചെയ്യേണ്ടത്. "ചീഫ് രജിസ്ട്രാറുടെ നിർദ്ദേശത്തിന്റെ അടിസ്ഥാനത്തിൽ അനുവദനീയമല്ല" എന്ന കാരണം പറഞ്ഞോ കാരണമൊന്നും പറയാതെയോ നിയമപരമല്ലാത്ത കാരണങ്ങൾ പറഞ്ഞോ അപേക്ഷകൾ നിരസിക്കാൻ പാടില്ല.

10.12 അനുവദനീയമല്ലാത്ത കാര്യങ്ങൾക്കായി ലഭിക്കുന്ന അപേക്ഷകളും ആവശ്യമായ എല്ലാ രേഖകളും ഉൾക്കൊള്ളിക്കാത്ത പ്രൊപ്പോസലുകളും ചീഫ് രജിസ്ട്രാർക്ക് അയയ്ക്കുന്നത് പൊതുജനങ്ങൾക്ക് അനാവശ്യമായ ബുദ്ധിമുട്ടുകൾക്ക് ഇടയാക്കുമെന്നതിനാൽ അത്തരം നടപടികൾ നിർബന്ധമായും ഒഴിവാക്കേണ്ടതാണ്.

10.13 സർട്ടിഫിക്കറ്റുകൾക്കായി സമർപ്പിക്കുന്ന അപേക്ഷകളിൽ ശരിയായ രജിസ്ട്രേഷൻ തീയതി വ്യക്തമാക്കിയിട്ടുണ്ടെങ്കിൽ തെരച്ചിൽ ഫീസ് ഈടാക്കാൻ പാടില്ല.

11. കമ്പ്യൂട്ടർവൽക്കരണം

11.1 1969-ലെ ജനന മരണ രജിസ്ട്രേഷൻ നിയമത്തിലെയും 1999-ലെ കേരള ജനന മരണ രജിസ്ട്രേഷൻ ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾ അനുസരിച്ച് 1,2,3 നമ്പർ ഫാറങ്ങളിലുള്ള ജനന / മരണ / നിർജ്ജീവജനന റിപ്പോർട്ടുകളുടെ ലീഗൽ പാർട്ട് രജിസ്ട്രാർ ഒപ്പിട്ട് രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടതാണ്. കമ്പ്യൂട്ടർവൽക്കരിച്ച രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ റിപ്പോർട്ട് ഫാറത്തിലെ വിവരങ്ങൾ കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തി രജിസ്ട്രാർ അംഗീകരിക്കുന്ന തീയതിയിൽത്തന്നെ റിപ്പോർട്ട് ഫാറത്തിലും രജിസ്ട്രേഷൻ നമ്പരും തീയതിയും രേഖപ്പെടുത്തി രജിസ്ട്രാർ അല്ലെങ്കിൽ സബ് രജിസ്ട്രാർ ഒപ്പുവയ്ക്കേണ്ടതും ഇപ്രകാരമുള്ള രജിസ്ട്രേഷനുകൾ ബൈന്റു ചെയ്ത് സൂക്ഷിക്കേണ്ടതുമാണ്.

11.2 ഹോസ്പിറ്റൽ കിയോസ്കുകളിൽ റിപ്പോർട്ടിൽ ചേർക്കേണ്ട വിവരങ്ങൾ നിർദ്ദിഷ്ട ഫാറങ്ങളുടെ മാതൃകയിൽ തയ്യാറാക്കി ആശുപത്രിയിലെ മെഡിക്കലാഫീസർ അല്ലെങ്കിൽ ചുമതലപ്പെട്ട വ്യക്തി മേലൊപ്പുവച്ച് കിയോസ്കിന്റെ ചുമതലക്കാരന് നൽകേണ്ടതാണ്.

11.3 റിപ്പോർട്ട് ഫാറത്തിലെ വിവരങ്ങൾ കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തിയ ശേഷം എടുക്കുന്ന പ്രിന്റൗട്ട് വിവരം നൽകിയ വ്യക്തിയും ആശുപത്രി അധികൃതരും പരിശോധിച്ച് ആവശ്യമെങ്കിൽ തിരുത്തലുകൾ വരുത്തി ഒപ്പിട്ട് കിയോസ്കിൽ തിരികെ നൽകേണ്ടതാണ്.

11.4 പ്രിന്റൗട്ടിൽ സാക്ഷ്യപ്പെടുത്തി നൽകുന്ന തിരുത്തലുകൾക്കനുസൃതമായി കമ്പ്യൂട്ടറിൽ തയ്യാറാക്കിയ റിപ്പോർട്ടിൽ മാറ്റം വരുത്തിയശേഷം പുതിയ പ്രിന്റെടുത്ത് നൽകേണ്ടതും ഇതിൽ വിവരം നൽകിയ

വ്യക്തിയുടെ ഒപ്പും ആശുപത്രിയിലെ ചുമതലക്കാരന്റെ മേലൊപ്പും വാങ്ങി രജിസ്ട്രേഷൻ യൂണിറ്റിലേയ്ക്ക് നൽകേണ്ടതുമാണ്.

11.5 ആശുപത്രി അധികൃതരുടെ സാക്ഷ്യപ്പെടുത്തൽ കൂടാതെ, കമ്പ്യൂട്ടറിൽ ഡാറ്റാ എൻട്രി നടത്തിയ റിപ്പോർട്ടിൽ യാതൊരു മാറ്റവും വരുത്താൻ പാടില്ല.

11.6 ആശുപത്രി കിയോസ്കിൽ നിന്ന് ടെലഫോൺ ലൈൻ വഴിയോ, അത് സാധ്യമാകാത്ത സാഹചര്യത്തിൽ സി.ഡി., ഫ്ളോപ്പി ഡിസ്ക്, പെൻഡ്രൈവ് തുടങ്ങിയവ ഉപയോഗിച്ചോ രജിസ്ട്രേഷൻ യൂണിറ്റിലേയ്ക്ക് റിപ്പോർട്ട് അയയ്ക്കേണ്ടതാണ്. അതോടൊപ്പം ഖണ്ഡിക 11.3 ൽ നിർദ്ദേശിച്ചതുപോലെ റിപ്പോർട്ടുകളുടെ കമ്പ്യൂട്ടർ പ്രിന്റൗട്ടിൽ വിവരം നൽകുന്നയാളും ആശുപത്രി അധികൃതരും ഒപ്പിട്ട് അതതു ദിവസം തന്നെ രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നൽകേണ്ടതാണ്.

11.7 കിയോസ്കിൽ നിന്ന് മേൽപ്പറഞ്ഞ പ്രകാരം ലഭിക്കുന്ന ഇലക്ട്രോണിക് ഡാറ്റ, രജിസ്ട്രാർ അംഗീകരിച്ച് രജിസ്റ്റർ ചെയ്യുന്നതോടൊപ്പം ഖണ്ഡിക 11.3 പ്രകാരം വിവരം നൽകുന്നയാൾ ഒപ്പിട്ട് ആശുപത്രി അധികൃതർ മേലൊപ്പു വച്ച് നൽകുന്ന റിപ്പോർട്ട് (പ്രിന്റൗട്ട്) രജിസ്ട്രാർ അല്ലെങ്കിൽ സബ് രജിസ്ട്രാർ ഒപ്പുവച്ച് നിയമാനുസൃത രജിസ്റ്ററായി സൂക്ഷിക്കേണ്ടതാണ്.

12. റിപ്പോർട്ടുകൾ

12.1 സിവിൽ രജിസ്ട്രേഷൻ സംവിധാനത്തിന്റെ കാര്യക്ഷമമായ നടത്തിപ്പിനും രജിസ്ട്രേഷൻ സംബന്ധിച്ച വിവരങ്ങൾ ആസൂത്രണ പ്രക്രിയയിൽ ഫലപ്രദമായി ഉപയോഗിക്കുന്നതിനും അത്യന്താപേക്ഷിതമായ പ്രതിമാസ / വാർഷിക റിപ്പോർട്ടുകൾ യഥാസമയം ലഭ്യമാക്കുന്നതിൽ രജിസ്ട്രാർമാർ വേണ്ടത്ര ശ്രദ്ധ പതിപ്പിക്കേണ്ടതാണ്. കൂടാതെ, ജനന- മരണ റിപ്പോർട്ടുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടിൽ രേഖപ്പെടുത്തുന്ന വിവരങ്ങളുടെ കൃത്യതയും ഗുണമേന്മയും ഉറപ്പു വരുത്തുന്നതിനും രജിസ്ട്രാർമാർ കഴിയുന്നത്ര ശ്രദ്ധിക്കേണ്ടതാണ്.

12.2 ജനന റിപ്പോർട്ടുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ടിൽ മാതാവിന്റെ സാധാരണ താമസസ്ഥലം, മരണ റിപ്പോർട്ടുകളിൽ മരിച്ചയാളുടെ താമസസ്ഥലം എന്നീ കോളങ്ങളിൽ ബന്ധപ്പെട്ട പഞ്ചായത്ത് / നഗരസഭയുടെ പേര് രേഖപ്പെടുത്തിയിട്ടുണ്ടെന്ന് ഉറപ്പു വരുത്തേണ്ടതാണ്. വിവരങ്ങളുടെ ക്രോഡീകരണത്തിൽ തടസ്സം സൃഷ്ടിക്കുമെന്നതിനാൽ ഈ കോളങ്ങളിൽ സ്ഥലപ്പേര് ഉൾപ്പെടുത്തുന്നത് കർശനമായും ഒഴിവാക്കണം.

12.3 എല്ലാ രജിസ്ട്രാർമാരും ഓരോ മാസത്തിലും നടത്തുന്ന രജിസ്ട്രേഷനുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് ഫാറം നമ്പർ 11,12,13 എന്നിവയിലുള്ള സമ്മറി റിപ്പോർട്ട് സഹിതം തൊട്ടടുത്ത മാസം 5-ാം തീയതിക്കകം ജില്ലാ സ്റ്റാറ്റിസ്റ്റിക്സ് ഡെപ്യൂട്ടി ഡയറക്ടർക്ക് അയച്ചുകൊടുക്കേണ്ടതാണ്.

12.4 സേവന ഓൺലൈൻ ആയ ഗ്രാമ പഞ്ചായത്തുകളും നഗരസഭകളും നിർബന്ധമായും സ്റ്റാറ്റിസ്റ്റിക്കൽ ഡാറ്റ സി.ഡി. രൂപത്തിൽ നൽകേണ്ടതാണ്.

13. പരിശോധനാ സംവിധാനം

13.1 ജില്ലാതലത്തിൽ രൂപീകരിച്ചിട്ടുള്ള പെർഫോമൻസ് ആഡിറ്റ് ടീമുകൾ അവയുടെ പ്രവർത്തന പരിധിയിലുള്ള ഗ്രാമ പഞ്ചായത്തുകളിൽ മൂന്നു മാസത്തിലൊരിക്കൽ പരിശോധന നടത്തി റിപ്പോർട്ട് ജില്ലാ രജിസ്ട്രാർക്ക് സമർപ്പിക്കേണ്ടതാണ്.

13.2 പരിശോധനാ റിപ്പോർട്ട് തയ്യാറാക്കുന്നതിന് ഈ സർക്കുലറിന്റെ അനുബന്ധമായി ചേർത്തിട്ടുള്ള പ്രൊഫോർമ മാതൃകയായി സ്വീകരിക്കേണ്ടതാണ്.

13.3 ജില്ലാ രജിസ്ട്രാർമാർ റിപ്പോർട്ടുകൾ അവലോകനം ചെയ്ത് ഒരു സമാഹൃത റിപ്പോർട്ട് സഹിതം റിപ്പോർട്ടുകളുടെ ഓരോ പകർപ്പ് ചീഫ് രജിസ്ട്രാർക്ക് ജനുവരി, ഏപ്രിൽ, ജൂലായ്, ഒക്ടോബർ മാസങ്ങളിൽ 15- ാം തീയതിയ്ക്കകം സമർപ്പിക്കേണ്ടതാണ്.

13.4 മുനിസിപ്പാലിറ്റികളിലും മുനിസിപ്പൽ കോർപ്പറേഷനുകളിലും ജില്ലാ രജിസ്ട്രാറുടെ ചുമതല നിർവ്വഹിക്കുന്ന സെക്രട്ടറിമാർ അതാതു യൂണിറ്റുകളിൽ മൂന്നു മാസത്തിലൊരിക്കൽ പരിശോധന നടത്തി റിപ്പോർട്ട് മേൽപ്പറഞ്ഞ തീയതിയ്ക്കകം ചീഫ് രജിസ്ട്രാർക്ക് നൽകേണ്ടതാണ്.

13.5 ജില്ലാ രജിസ്ട്രാർമാരായ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർ മാസത്തിൽ ഒരിക്കൽ അതാതു ജില്ലയിലെ 2 രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ മുൻകൂർ അറിയിപ്പു നൽകിയും 2 യൂണിറ്റുകളിൽ അറിയിപ്പു കൂടാതെയും പരിശോധന നടത്തി ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ട് നൽകേണ്ടതാണ്.

13.6 ഇതുകൂടാതെ, ഡെപ്യൂട്ടി ചീഫ് രജിസ്ട്രാർ പ്രതിമാസം 2 രജിസ്ട്രേഷൻ യൂണിറ്റുകളിൽ മുൻകൂർ അറിയിപ്പു നൽകിയും 2 യൂണിറ്റുകളിൽ അറിയിപ്പു കൂടാതെയും പരിശോധന നടത്തേണ്ടതാണ്.

13.7 പരിശോധനകളിൽ കണ്ടെത്തുന്ന ക്രമക്കേടുകൾ പരിഹരിക്കുന്നതിനും ആവർത്തിക്കാതിരിക്കുന്നതിനും ആവശ്യമായ നിർദ്ദേശങ്ങൾ ജില്ലാ രജിസ്ട്രാർമാർ ബന്ധപ്പെട്ട രജിസ്ട്രാർമാർക്ക് നൽകേണ്ടതും അത് പാലിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തേണ്ടതുമാണ്.

13.8 പരിശോധനാ റിപ്പോർട്ടുകൾ ചീഫ് രജിസ്ട്രാർ അവലോകനം ചെയ്യുന്നതു ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥർക്ക് ആവശ്യമായ നിർദ്ദേശം നൽകുന്നതുമാണ്. പ്രസ്തുത നിർദ്ദേശങ്ങൾ സമയബന്ധിതമായി നടപ്പാക്കി മറുപടി യഥാസമയം സമർപ്പിക്കേണ്ടതാണ്.

13.9 എല്ലാ ജില്ലാ രജിസ്ട്രാർമാരും ഓരോ ത്രൈമാസത്തെയും പരിശോധനാപരിപാടിയുടെ കലണ്ടർ മുൻകൂട്ടി ചീഫ് രജിസ്ട്രാർക്ക് നൽകേണ്ടതാണ്.

എല്ലാ രജിസ്ട്രേഷൻ യൂണിറ്റുകളിലും ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ കർശനമായി പാലിക്കുന്നതിനാവശ്യമായ നടപടികൾ ബന്ധപ്പെട്ട എല്ലാ ഉദ്യോഗസ്ഥരും സ്വീകരിക്കേണ്ടതാണ്.

അനുബന്ധം 1

ജനന-മരണ രജിസ്ട്രേഷൻ സേവനങ്ങൾ - ചെക്ക് ലിസ്റ്റ്

ജനനവും മരണവും സംഭവിച്ചത് എവിടെ വെച്ചാണോ ആ സ്ഥലം ഉൾപ്പെടുന്ന പഞ്ചായത്തിലോ മുനിസിപ്പാലിറ്റിയിലോ കന്റോൺമെന്റിലോ അതു രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്.

I ജനനം/മരണം നടന്ന് 30 ദിവസം വരെ

(a) ജനന/മരണ റിപ്പോർട്ട്-നിശ്ചിത മാതൃകയിൽ

(b) 21 ദിവസം കഴിയുകയാണെങ്കിൽ 2- രൂപ പിഴയും അപേക്ഷയും

(c) മരണ കാരണ സർട്ടിഫിക്കറ്റ് (ആവശ്യമുള്ള സാഹചര്യങ്ങളിൽ മാത്രം)

(സ്ഥാപനങ്ങളിൽ വച്ചു നടക്കുന്ന ജനന/മരണങ്ങൾ സ്ഥാപന മേധാവിയും അസ്വാഭാവിക മരണമാണെങ്കിൽ മരണം നടന്ന സ്ഥലത്തിന്റെ ചുമതലയുള്ള പോലീസ് ഓഫീസറും (എസ്.എച്ച്.ഒ.) റിപ്പോർട്ടു ചെയ്യേണ്ടതാണ്.)

II ജനന സർട്ടിഫിക്കറ്റിനുള്ള അപേക്ഷ

(a) നിശ്ചിത മാതൃകയിലുള്ള വെള്ളക്കടലാസിലുള്ള അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിക്കണം)

(b) അപേക്ഷകന്റെ പേരിൽ വാങ്ങിയ 10/- രൂപയിൽ കുറയാത്ത മുദ്രപത്രം

(c) തിരച്ചിൽ ഫീസ് വർഷത്തേക്ക് 2/- രൂപ വീതം

(d) പകർപ്പ് ഫീസ് 5/- രൂപ

(e) തപാലിൽ ലഭിക്കുന്നതിന് ആവശ്യമായ തപാൽ ചാർജ്

III മരണ സർട്ടിഫിക്കറ്റിനുള്ള അപേക്ഷ

(a) നിശ്ചിത മാതൃകയിലുള്ള വെള്ളക്കടലാസിലുള്ള പൂർണ്ണമായ അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിക്കണം)

(b) അപേക്ഷകന്റെ പേരിൽ വാങ്ങിയ 10/- രൂപയിൽ കുറയാത്ത മുദ്രപത്രം

(c) തിരച്ചിൽ ഫീസ് 2/- രൂപ വീതം വർഷത്തേക്ക്

(d) പകർപ്പ് ഫീസ് 5/- രൂപ

(e) തപാലിൽ ലഭിക്കുന്നതിന് ആവശ്യമായ തപാൽ ചാർജ്

IV ജനന രജിസ്റ്ററിൽ പേരു ചേർക്കൽ

(a) നിശ്ചിത മാതൃകയിലുള്ള അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിക്കണം)

(b) രജിസ്ട്രേഷൻ തീയതി കഴിഞ്ഞ് ഒരു വർഷത്തിനു ശേഷമാണ് അപേക്ഷ സമർപ്പിക്കുന്നതെങ്കിൽ 5/- രൂപ ഫീസ്

(c) അപേക്ഷയിൽ ഒപ്പുവച്ചിരിക്കുന്നവരുടെ ഇലക്ഷൻ കമ്മീഷൻ അംഗീകരിച്ചിട്ടുള്ള ഏതെങ്കിലും തിരിച്ചറിയൽ കാർഡിന്റെ പകർപ്പ്

V അപേക്ഷ തീയതിയിൽ കുട്ടിയുടെ പ്രായം ആറ് വയസ്സ് പൂർത്തിയായെങ്കിൽ

(a) മാതാപിതാക്കൾക്ക് ജനിച്ച കുട്ടിയുടെ ജനന തീയതിയും ജനന ക്രമവും ഉൾപ്പെടുത്തി അപേക്ഷകർ ഒപ്പിട്ട നിശ്ചിത മാതൃകയിലുള്ള സത്യവാങ്മൂലം

(b) സ്കൂൾ രേഖയിലെ പേര്, ജനന തീയതി, മാതാപിതാക്കളുടെ പേര് എന്നിവ കാണിക്കുന്ന സ്കൂൾ മേലധികാരിയിൽ നിന്നുള്ള സാക്ഷ്യപത്രം

(c) നിശ്ചിത ഫോറത്തിലുള്ള അപേക്ഷ

VI കുട്ടിയുടെ ജനന തീയതിയും സ്കൂൾ രേഖയിലെ ജനന തീയതിയും തമ്മിൽ പത്തുമാസത്തിലേറെ കാലത്തെ വ്യത്യാസമുണ്ടെങ്കിൽ

(a) ജില്ലാ രജിസ്ട്രാർക്കുള്ള അപേക്ഷ

(b) ജനിച്ച കുട്ടികളുടെ ജനന തീയതിയും ജനന ക്രമവും രേഖപ്പെടുത്തിയ സത്യവാങ്മൂലം

(c) കുട്ടിയുടെ സ്കൂൾ രേഖയിലെ പേര്, ജനന തീയതി, മാതാപിതാക്കളുടെ പേര് എന്നിവ കാണിക്കുന്ന സ്കൂൾ അധികാരികളിൽ നിന്നുള്ള സാക്ഷ്യപത്രം

(d) ജനനക്രമത്തിൽ കാണിച്ചിട്ടുള്ള കുട്ടികളുടെ ജനന തീയതി തെളിയിക്കുന്നതിന് ജനന സർട്ടിഫിക്കറ്റ്, സ്കൂൾ രേഖ, ആശുപത്രി രേഖ, റേഷൻകാർഡ് മുതലായവയിൽ ഏതിന്റെയെങ്കിലും ഒന്നിന്റെ സാക്ഷ്യപ്പെടുത്തിയ പകർപ്പ്.

VII മരണം വൈകി രജിസ്റ്റർ ചെയ്യൽ (മരണം നടന്ന് 30 ദിവസത്തിനുശേഷം ഒരു വർഷം വരെ)

(a) മരണ റിപ്പോർട്ട് - 2 കോപ്പി

(b) നോട്ടറി പബ്ലിക്/സംസ്ഥാന സർക്കാർ സർവ്വീസിലെ ഒരു ഗസറ്റഡ് ഉദ്യോഗസ്ഥൻ സാക്ഷ്യപ്പെടുത്തിയ സത്യവാങ്മൂലം

(c) നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിനായി മരണസ്ഥലം താമസസ്ഥലം സംബന്ധിച്ച തെളിവുകൾ

(d) രജിസ്റ്റർ ചെയ്യാൻ വൈകിയതിന്റെ കാരണം കാണിക്കുന്ന അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിക്കണം)

(e) ലേറ്റ് ഫീ 5/- രൂപ (അനുമതി ലഭിച്ചതിനു ശേഷം)

VIII മരണം വൈകി രജിസ്റ്റർ ചെയ്യൽ (മരണം നടന്ന് ഒരു വർഷത്തിനുശേഷം)

(സബ് ഡിവിഷണൽ മജിസ്ട്രേറ്റിന് രജിസ്ട്രേഷൻ യൂണിറ്റ് പഞ്ചായത്തുവഴി അപേക്ഷ സമർപ്പിക്കുന്നുവെങ്കിൽ)

(a) മരണ റിപ്പോർട്ട് - 2 കോപ്പി

(b) സത്യവാങ്മൂലം (R.D.O. നിഷ്കർഷിച്ചിട്ടുള്ള പ്രകാരം)

(c) രജിസ്റ്റർ ചെയ്യാൻ വൈകിയതിന്റെ കാരണം കാണിക്കുന്ന അപേക്ഷ

(d) നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിനായി മരണ സ്ഥലം/താമസസ്ഥലം സംബന്ധിച്ച തെളിവുകൾ

(e) ലേറ്റ് ഫീ 10/- രൂപ (R.D.O യുടെ അനുമതി ലഭിച്ചതിനു ശേഷം

IX ജനനം താമസിച്ചു രജിസ്റ്റർ ചെയ്യൽ

(ജനനം നടന്ന് 30 ദിവസത്തിനുശേഷം 1 വർഷം വരെ)

(a) ജനന റിപ്പോർട്ട് - 2 കോപ്പി

(b) നോട്ടറി പബ്ലിക്/സംസ്ഥാന സർക്കാർ സർവ്വീസിലെ ഒരു ഗസറ്റഡ് ഉദ്യോഗസ്ഥൻ സാക്ഷ്യപ്പെടുത്തിയ സത്യവാങ്മൂലം

(c) ജനനം രജിസ്റ്റർ ചെയ്യാൻ വൈകിയതിന്റെ കാരണം കാണിക്കുന്ന അപേക്ഷ (5 രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ്)

(d) നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിനായി ജനന സ്ഥലം/ താമസസ്ഥലം സംബന്ധിച്ച തെളിവുകൾ

(e) ലേറ്റ് ഫീ 5/- രൂപ (ജില്ലാ രജിസ്ട്രാറുടെ അനുമതി ലഭിച്ചതിനുശേഷം)

X ജനനം താമസിച്ചു രജിസ്റ്റർ ചെയ്യൽ

(ജനനം നടന്ന് ഒരു വർഷത്തിനുശേഷം സബ് ഡിവിഷണൽ മജിസ്ട്രേറ്റിന് അനുമതിക്കായി രജിസ്ട്രേഷൻ യൂണിറ്റ് വഴി അപേക്ഷ സമർപ്പിക്കുന്നുവെങ്കിൽ)

(a) ജനന റിപ്പോർട്ട് എല്ലാ കോളങ്ങളും പൂരിപ്പിച്ചത് 2 കോപ്പി

(b) സത്യവാങ്മൂലം (R.D.O. നിഷ്കർഷിച്ചിട്ടുള്ള പ്രകാരം)

(c) നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ് ലഭിക്കുന്നതിനായി ജനന സമയത്തെ മേൽവിലാസം തെളിയിക്കുന്ന രേഖ (റേഷൻ കാർഡ്, സ്കൂൾ രേഖ, വോട്ടേഴ്സ് ലിസ്റ്റ്, മുതലായവയിൽ ഏതിന്റെയെങ്കിലും സാക്ഷ്യപ്പെടുത്തിയ പകർപ്പ്), ജനന സ്ഥലം സംബന്ധിച്ച രേഖ

(d) രജിസ്ട്രേഷന് അനുവദിക്കണമെന്നാവശ്യപ്പെടുന്നതും വൈകിയതിന്റെ കാരണം കാണിക്കുന്നതുമായ അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിക്കണം)

(e) നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ്

XI ജനനം/മരണം രജിസ്റ്റർ ചെയ്തിട്ടില്ലെന്ന് തെളിയിക്കുന്നതിനുള്ള സാക്ഷ്യപത്രം (നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റ്)

(a) അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിച്ചത്)

(b) ജനനം/മരണം നടന്ന സമയത്തെ താമസസ്ഥലം തെളിയിക്കുന്ന രേഖകൾ

(c) ജനനം/മരണം നടന്ന സ്ഥലം തെളിയിക്കുന്ന രേഖ

(d) സർട്ടിഫിക്കറ്റ് ഫീ - 2/- രൂപ

(e) തിരച്ചിൽ ഫീ - വർഷത്തേക്ക് 2/-രൂപ വീതം

XII ജനന-മരണ രജിസ്ട്രേഷൻ രേഖപ്പെടുത്തലുകളിൽ തിരുത്തൽ വരുത്തുന്നതിനുള്ള അപേക്ഷ

(a) അപേക്ഷ (5/- രൂപ കോർട്ട് ഫീ)

(b) ജനനം/മരണം റിപ്പോർട്ട് ചെയ്തപ്പോൾ വിവരം നൽകിയ അധികാരിയുടെ തിരുത്തൽ കത്ത്.

(സ്ഥാപനം നിലവില്ലാതായിട്ടുണ്ടെങ്കിലോ വീട്ടിൽ വച്ചു നടന്ന ജനനമരണങ്ങളുടെ കാര്യത്തിൽ റിപ്പോർട്ടു ചെയ്ത ആൾ ജീവിച്ചിരിപ്പില്ലെങ്കിലോ പ്രസ്തുത വിവരത്തിന് സത്യവാങ്മൂലം മതിയാകുന്നതാണ്)

(c) വില്ലേജ് ഓഫീസറുടെ സാക്ഷ്യപത്രം (പേര്, വിലാസം എന്നിവയിൽ തിരുത്തൽ വരുത്തേണ്ടപ്പോൾ മാത്രം)

(d) സ്കൂൾ രേഖ/ലൈസൻസ്/പാസ്പോർട്ട്/തിരിച്ചറിയൽ കാർഡ്, റേഷൻ കാർഡ് എന്നിവയിലേതിന്റെയെങ്കിലും പകർപ്പ്.

(e) 2 വിശ്വസനീയ വ്യക്തികളുടെ ഡിക്ലറേഷൻ (വസ്തുതാപരമായ തിരുത്തലുകൾ)

അനുബന്ധം 2

ജനന മരണ രജിസ്ട്രേഷൻ - പരിശോധനാ റിപ്പോർട്ട്

1. രജിസ്ട്രേഷൻ യൂണിറ്റ്
2. പരിശോധന നടത്തിയ തീയതി
3. പരിശോധനയ്ക്ക് വിധേയമാക്കിയ കാലയളവ്
4. പരിശോധനാ കാലയളവിലെ രജിസ്ട്രാറുടെ പേര്
5. പരിശോധനാ കാലയളവിലെ സബ് രജിസ്ട്രാറുടെ പേര്
6. ജനന മരണ രജിസ്ട്രേഷൻ സെക്ഷൻ കൈകാര്യം ചെയ്യുന്ന ഉദ്യോഗസ്ഥന്റെ/ഉദ്യോഗസ്ഥരുടെ പേരുവിവരം
7. പരിശോധന കാലയളവിലെ രജിസ്ട്രേഷനുകളുടെ വിവരം

		എണ്ണം	രജി. നം.	
			മുതൽ	വരെ
1 (എ)	**ജനനം** 21 ദിവസത്തിനകം റിപ്പോർട്ട് ചെയ്തവ			
(ബി)	21 ദിവസത്തിനുശേഷം എന്നാൽ 30 ദിവസത്തിനകം റിപ്പോർട്ടു ചെയ്തവ			
(സി)	ജില്ലാ രജിസ്ട്രാറുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
(ഡി)	RDO യുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
	ആകെ			
2 (എ)	**മരണം** 21 ദിവസത്തിനകം റിപ്പോർട്ട് ചെയ്തവ			
(ബി)	21 ദിവസത്തിനുശേഷം എന്നാൽ 30 ദിവസത്തിനകം റിപ്പോർട്ടു ചെയ്തവ			
(സി)	ജില്ലാ രജിസ്ട്രാറുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
(ഡി)	RDO യുടെ അനുമതിയോടെ രജിസ്റ്റർ ചെയ്തവ			
	ആകെ			

8. റിപ്പോർട്ട് ഫാറങ്ങളിൽ വിവരങ്ങൾ രേഖപ്പെടുത്തുന്നതിൽ ശ്രദ്ധയിൽപ്പെട്ട അപാകതകൾ

9. റിപ്പോർട്ട് ഫോറങ്ങളുടെ ലീഗൽ പാർട്ട് രജിസ്ട്രേഷൻ നമ്പരും മറ്റു വിവരങ്ങളും രേഖപ്പെടുത്തി രജിസ്ട്രാർ/സബ് രജിസ്ട്രാർ ഒപ്പിട്ട് സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

10. റിപ്പോർട്ടുകളുടെ സ്റ്റാറ്റിസ്റ്റിക്കൽ പാർട്ട് സമ്മറി റിപ്പോർട്ടു സഹിതം ചീഫ് രജിസ്ട്രാറുടെ നിർദ്ദേശപ്രകാരം അയക്കുന്നുണ്ടോ എന്ന വിവരം

(എ) അയച്ചുകൊടുത്ത ഏറ്റവും ഒടുവിലത്തെ റിപ്പോർട്ട് ഏതു മാസത്തേക്ക്

(ബി) അയച്ചുകൊടുത്തത് ആർക്ക്

(സി) അയച്ച തീയതി

11. സെക്ഷൻ 12 പ്രകാരമുള്ള സർട്ടിഫിക്കറ്റ് വിതരണം സംബന്ധിച്ച വിവരം

(എ) മുൻ പരിശോധനയിൽ നൽകാൻ ബാക്കിയുണ്ടായിരുന്ന സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(ബി) പരിശോധനാകാലയളവിൽ യഥാസമയം റിപ്പോർട്ട് ചെയ്ത രജിസ്ട്രേഷനുകളുടെ എണ്ണം 7.1(എ)+2(എ)

(സി) ആകെ (എ) + (ബി)

(ഡി) പരിശോധനാകാലയളവിൽ നൽകിയ സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(ഇ) നൽകാൻ ബാക്കിയുള്ള സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം

(എഫ്) സർട്ടിഫിക്കറ്റ് വിതരണം സംബന്ധിച്ച് പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിപ്പോർട്ട്

12. റിപ്പോർട്ടുകളുടെ രജിസ്ട്രേഷൻ സംബന്ധിച്ച പുരോഗതി

ക്രമ നമ്പർ	ഇനം	ജനനം	മരണം
1	മുൻ പരിശോധനയിൽ രജിസ്റ്റർ ചെയ്യാൻ ബാക്കിയുണ്ടായിരുന്ന റിപ്പോർട്ടുകളുടെ എണ്ണം		
2	പുതുതായി ലഭിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം		
3	പരിശോധനാ കാലയളവിൽ നടത്തിയ രജിസ്ട്രേഷനുകളുടെ എണ്ണം		
4	രജിസ്ട്രേഷൻ നിരസിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം		
5	രജിസ്ട്രേഷൻ നടത്താൻ ബാക്കിയുള്ള റിപ്പോർട്ടുകളുടെ എണ്ണം		

13. ജനന രജിസ്ട്രേഷനിൽ പേരു ചേർക്കൽ സംബന്ധിച്ച വിവരങ്ങൾ

(എ) രജിസ്ട്രേഷൻ തീയതി മുതൽ ഒരു വർഷത്തിനകം പേരുചേർത്തവയുടെ എണ്ണം

(ബി) ഒരു വർഷത്തിനു ശേഷം പേരു ചേർത്തവയുടെ എണ്ണം.

(1) 1.4.1970 നു മുമ്പുള്ള രജിസ്ട്രേഷനുകളുടെ എണ്ണം

(2) 1.4.1970 നു ശേഷമുള്ള രജിസ്ട്രേഷനുകളുടെ എണ്ണം

(സി) പേരുചേർക്കൽ നടപടികൾ സംബന്ധിച്ച് പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിപ്പോർട്ട്

14. രജിസ്ട്രാർ ജനറലിന്റെ നിർദ്ദേശപ്രകാരം ജനന മരണ രജിസ്റ്ററുകൾ എഴുതി സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

15. രജിസ്ട്രേഷനുകളിലെ തിരുത്തലുകൾ സംബന്ധിച്ച വിവരം

(1) പരിശോധനാ കാലയളവിലെ തിരുത്തലുകൾ

തിരുത്തൽ വരുത്തിയ രജി. നം.	തിരുത്തൽ വരുത്തിയ ഉൾക്കുറിപ്പ് ഏത്	തിരുത്തലിനു മുമ്പുള്ള ഉൾക്കുറിപ്പ്	തിരുത്തലിനു ശേഷമുള്ള ഉൾക്കുറിപ്പ്	അടിസ്ഥാനമായി സ്വീകരിച്ച രേഖ

തിരുത്തൽ അനുവദിച്ച ഉത്തരവു നമ്പരും തീയതിയും	തിരുത്തൽ സംബന്ധിച്ച് ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ട് നൽകിയോ	റിമാർക്സ്

(2) തിരുത്തലുകൾ സംബന്ധിച്ച് ചട്ടം 11(3) പ്രകാരം റിപ്പോർട്ട് സമർപ്പിച്ചിട്ടുണ്ടോ എന്ന വിവരം

(3) മനഃപൂർവ്വം തെറ്റായ വിവരം ഉൾപ്പെടുത്തിയതു സംബന്ധിച്ച് ചട്ടം 11(4) പ്രകാരം ചീഫ് രജിസ്ട്രാർക്ക് റിപ്പോർട്ടു ചെയ്ത കേസുകളുടെ വിവരം

16. പരിശോധനാ കാലയളവിൽ നടത്തിയ തെരച്ചിലുകൾ സംബന്ധിച്ച വിവരം

ക്രമ നമ്പർ	ഇനം	ജനനം	മരണം
1	17-ാം വകുപ്പു പ്രകാരം നൽകിയ സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം		
2	നൽകിയ നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റുകളുടെ എണ്ണം		
3.	തീർപ്പാക്കാനുള്ള അപേക്ഷകളുടെ എണ്ണം		

(4) പരിശോധനാ ഉദ്യോഗസ്ഥന്റെ റിമാർക്സ്

17. ശിക്ഷാ നടപടികൾ സംബന്ധിച്ച വിവരം

(1) വിവരം നൽകാത്തതിന് സ്വീകരിച്ച പ്രോസിക്യൂഷനുകളുടെ എണ്ണം

(2) തെറ്റായ വിവരം നൽകിയതിന് സ്വീകരിച്ച പ്രോസിക്യൂഷനുകളുടെ എണ്ണം

(3) മറ്റു നിയമ നടപടികളുടെ വിവരം

(4) 24-ാം വകുപ്പു പ്രകാരം രാജിയാക്കിയ കുറ്റങ്ങളുടെ വിവരം

18. ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് കോടതികളിൽ നിലവിലുള്ള കേസുകളുടെ വിവരം

19 (1) ഈടാക്കിയ ഫീസുകളുടെ വിവരം

ക്രമ നമ്പർ	ഇനം	ജനനം	മരണം	ആകെ
1	തെരച്ചിൽ ഫീസ്			
2	പകർപ്പു ഫീസ് (സർട്ടിഫിക്കറ്റിന്)			
3	നോൺ അവൈലബിലിറ്റി സർട്ടിഫിക്കറ്റിന്			
4	പേരു ചേർക്കൽ - ലേറ്റ് ഫീ			
5	സെക്ഷൻ 13 (1) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
6	സെക്ഷൻ 13 (2) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
7	സെക്ഷൻ 13 (3) പ്രകാരമുള്ള ലേറ്റ് ഫീ			
	ആകെ			

(2) ജനന മരണ രജിസ്ട്രേഷൻ സംബന്ധിച്ച് വരവു രജിസ്റ്റർ സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

20. അപേക്ഷകളിലെ നടപടി സംബന്ധിച്ച വിവരം

(1) ലഭിക്കുന്ന അപേക്ഷകളുടെയും ജനന മരണ റിപ്പോർട്ടുകളുടെയും രജിസ്റ്റർ സൂക്ഷിക്കുന്നുണ്ടോ എന്ന വിവരം

(1) നടപടി സ്വീകരിക്കാൻ ബാക്കിയുള്ള അപേക്ഷകളുടെ എണ്ണവും അവ ലഭിച്ച തീയതിയും

(3) മതിയായ രേഖകളുടെ അഭാവത്തിൽ തീർപ്പാക്കാത്ത അപേക്ഷകളുടെ വിവരം

(4) അപേക്ഷകർക്ക് യഥാസമയം മറുപടി നൽകുന്നുണ്ടോ എന്ന വിവരം

21. മുൻ പരിശോധനാ റിപ്പോർട്ടുകളിലെ നടപടികൾ സംബന്ധിച്ച വിവരം

(1) ലഭിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(2) നടപടി സ്വീകരിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(3) നടപടി പൂർത്തീകരിച്ച റിപ്പോർട്ടുകളുടെ എണ്ണം

(4) അപാകതകൾ ആവർത്തിക്കാതിരിക്കാൻ നടപടി സ്വീകരിച്ചിട്ടുണ്ടോ എന്ന വിവരം

(5) അഭിപ്രായക്കുറിപ്പ്

22. മരണകാരണ സർട്ടിഫിക്കറ്റ് സ്കീം (MCCD) സംബന്ധിച്ച വിവരം

(1) സ്കീം നടപ്പാക്കിയിട്ടുണ്ടോ എന്ന വിവരം

(2) എത്ര ആശുപത്രികളിൽ നടപ്പാക്കിയിട്ടുണ്ട്?

(3) സ്കീം അനുശാസിക്കുന്ന രീതിയിൽ നടപ്പിലാക്കുന്നുണ്ടോ എന്ന വിവരം

23. ജനന മരണ രജിസ്ട്രേഷൻ സംവിധാനത്തിന്റെ പ്രചാരണത്തിനായി രജിസ്ട്രേഷൻ യൂണിറ്റിൽ സ്വീകരിച്ച നടപടി സംബന്ധിച്ച വിവരം

24. രജിസ്ട്രേഷൻ യൂണിറ്റിൽ നടപ്പാക്കിയ മാതൃകാപരമായ എന്തെങ്കിലും പ്രവർത്തനം ഉണ്ടെങ്കിൽ അതിന്റെ വിവരം

25. പൊതുവായ അഭിപ്രായക്കുറിപ്പ്.

കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾ, 2008

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നിയമ (ഇ) വകുപ്പ്

വിജ്ഞാപനം

സ.ഉ. (അച്ചടിച്ചത്) നമ്പർ 1/2008/നിയമം. തിരുവനന്തപുരം, 2008 ഫെബ്രുവരി 29.

ബഹു. സുപ്രീം കോടതി, സീമ Vs. അശ്വനികുമാർ എന്ന കേസിൽ 14-2-2006-ൽ പുറപ്പെടുവിച്ച വിധിന്യായത്തിൽ [2006 (1) കെ.എൽ.റ്റി. 791, എസ്. സി.] എല്ലാ സംസ്ഥാന സർക്കാരുകളോടും അതാത് സംസ്ഥാനങ്ങളിൽ നടക്കുന്ന എല്ലാ വിവാഹങ്ങളും മതഭേദമന്യേ രജിസ്റ്റർ ചെയ്യുന്നത് നിർബന്ധമാക്കുന്നതിന്, അഭിപ്രായങ്ങളും നിർദ്ദേശങ്ങളും ക്ഷണിച്ചതിനുശേഷം, ചട്ടങ്ങൾ ഉണ്ടാക്കുവാൻ നിർദ്ദേശിച്ചതിനാലും;

16-11-2006-ലെ 1835-ാം നമ്പർ അസാധാരണ ഗസറ്റിൽ പ്രസിദ്ധീകരിച്ച 2006-ലെ കരട് കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾക്ക് പ്രതികരണമായി, കേരള സർക്കാരിന് പൊതുജനങ്ങൾ, മതവിഭാഗങ്ങൾ, വകുപ്പുതലവൻമാർ മുതലായവരിൽ നിന്നും വിവിധ തരത്തിലുള്ള ആക്ഷേപങ്ങളും നിർദ്ദേശങ്ങളും ലഭിച്ചതിനാലും;

ഇപ്പോൾ, അതിനാൽ, കേരള സർക്കാർ എല്ലാ ആക്ഷേപങ്ങളും നിർദ്ദേശങ്ങളും പരിഗണിച്ചുകൊണ്ട് "2008-ലെ കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾ", പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു, അതായത്:-

കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾ, 2008*

1. ചുരുക്കപ്പേരും വ്യാപ്തിയും പ്രാരംഭവും.- (1) ഈ ചട്ടങ്ങൾക്ക് 2008-ലെ കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾ എന്ന് പേർ പറയാം.

(2) ഈ ചട്ടങ്ങൾക്ക് കേരള സംസ്ഥാനത്തൊട്ടാകെ വ്യാപ്തി ഉണ്ടായിരിക്കുന്നതാണ്.

(3) ഇവ ഉടൻ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. നിർവചനങ്ങൾ.- ഈ ചട്ടങ്ങളിൽ, സന്ദർഭം മറ്റു വിധത്തിൽ ആവശ്യപ്പെടാത്ത പക്ഷം,-

(എ) "മുഖ്യ രജിസ്ട്രാർ ജനറൽ", എന്നാൽ 3-ാം ചട്ടത്തിൻ കീഴിൽ നിയമിക്കപ്പെട്ട വിവാഹ (പൊതു) മുഖ്യ രജിസ്ട്രാർ ജനറൽ എന്നർത്ഥമാകുന്നു.

(ബി) "തദ്ദേശ രജിസ്ട്രാർ", എന്നാൽ 5-ാം ചട്ടത്തിൻ കീഴിൽ നിയമിക്കപ്പെട്ട വിവാഹ (പൊതു) തദ്ദേശ രജിസ്ട്രാർ എന്നർത്ഥമാകുന്നു.

(സി) "രജിസ്ട്രാർ ജനറൽ", എന്നാൽ 4-ാം ചട്ടത്തിൻ കീഴിൽ നിയമിക്കപ്പെട്ട വിവാഹ (പൊതു) രജിസ്ട്രാർ ജനറൽ എന്നർത്ഥമാകുന്നു.

3. വിവാഹ (പൊതു) മുഖ്യ രജിസ്ട്രാർ ജനറൽ.- പഞ്ചായത്ത് ഡയറക്ടർ, വിവാഹ (പൊതു) മുഖ്യ രജിസ്ട്രാർ ജനറൽ ആയിരിക്കുന്നതാണ്.

[2][4. **വിവാഹ (പൊതു) രജിസ്ട്രാർ ജനറൽ.-** പഞ്ചായത്ത് പ്രദേശങ്ങളെയും നഗരപ്രദേശങ്ങളേയും സംബന്ധിച്ച് പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ വിവാഹ (പൊതു) രജിസ്ട്രാർ ജനറൽ ആയിരിക്കുന്നതും അദ്ദേഹം ഈ ചട്ടങ്ങൾ നടപ്പിലാക്കുന്നതിന്റെ മേൽനോട്ടം വഹിക്കേണ്ടതുമാണ്.]

5. **വിവാഹ (പൊതു) തദ്ദേശ രജിസ്ട്രാർ.-** 1969-ലെ ജനന-മരണ രജിസ്ട്രേഷൻ ആക്ടിൻ (1969-ലെ 18-ാം കേന്ദ്ര ആക്ട്) കീഴിൽ നിയമിക്കപ്പെട്ട ജനന-മരണ രജിസ്ട്രാർ, അവരുടെ അധികാരിതയിൽ വരുന്ന പ്രദേശങ്ങളിലെ വിവാഹ (പൊതു) തദ്ദേശ രജിസ്ട്രാർ ആയിരിക്കുന്നതാണ്.

6. വിവാഹങ്ങൾ നിർബന്ധമായും രജിസ്റ്റർ ചെയ്യണമെന്ന്.- ഈ ചട്ടങ്ങൾ നിലവിൽ വന്നതിനു ശേഷം സംസ്ഥാനത്ത് നടക്കുന്ന എല്ലാ വിവാഹങ്ങളും കക്ഷികളുടെ മതഭേദമന്യേ നിർബന്ധമായും രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്:

എന്നാൽ, മറ്റേതെങ്കിലും സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥകൾ പ്രകാരം രജിസ്ട്രേഷൻ നിർബന്ധമാക്കിയിട്ടുള്ള വിവാഹങ്ങൾ ഈ ചട്ടങ്ങളിൻ കീഴിൽ രജിസ്റ്റർ ചെയ്യേണ്ടതല്ലാത്തതും, അപ്രകാരമുള്ള വിവാഹങ്ങൾ അതത് സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥകൾക്കു കീഴിൽ രജിസ്റ്റർ ചെയ്യേണ്ടതുമാണ്:

എന്നുമാത്രമല്ല, മറ്റേതെങ്കിലും സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥപ്രകാരം രജിസ്റ്റർ ചെയ്യുന്നത് ഹിതാനുസരണമായിട്ടുള്ള വിവാഹങ്ങൾ, അപ്രകാരമുള്ള സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥകളിൻ കീഴിൽ രജിസ്റ്റർ ചെയ്തിട്ടില്ലാത്ത പക്ഷം, ഈ ചട്ടങ്ങൾക്ക് കീഴിൽ രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്:

എന്നിരുന്നാലും ഈ ചട്ടങ്ങൾ നിലവിൽ വരുന്ന തീയതിക്കുമുമ്പ് നടന്നിട്ടുള്ള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നത് ഹിതാനുസരണമായിരിക്കുന്നതുമാണ്.

7. അധികാരിത.- ഏത് തദ്ദേശ രജിസ്ട്രാറുടെ അധികാരിതയ്ക്ക് കീഴിലുള്ള പ്രദേശത്താണോ വിവാഹം നടന്നത്, ആ തദ്ദേശ രജിസ്ട്രാർ മുമ്പാകെ, ഈ ചട്ടങ്ങൾക്ക് കീഴിൽ വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്.

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1. Date of Commencement : 29-2-2008

2. Substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010. Prior to the substitution it read as under:
"വിവാഹ (പൊതു) രജിസ്ട്രാർ ജനറൽ.- പഞ്ചായത്ത് പ്രദേശങ്ങളേയും നഗരപ്രദേശങ്ങളേയും സംബന്ധിച്ച് യഥാക്രമം പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടറും റീജിയണൽ ജോയിന്റ് ഡയറക്ടറും വിവാഹ (പൊതു) രജിസ്ട്രാർ ജനറൽ ആയിരിക്കുന്നതും അവർ ഈ ചട്ടങ്ങൾ നടപ്പിലാക്കുന്നതിന്റെ മേൽനോട്ടം വഹിക്കേണ്ടതുമാണ്."

8. വിവാഹ (പൊതു) രജിസ്റ്ററുകളുടെ സൂക്ഷിപ്പ്.- ബന്ധപ്പെട്ട തദ്ദേശ രജിസ്ട്രാർ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായിട്ടുള്ള III-ാം നമ്പർ ഫാറത്തിൽ ഒരു രജിസ്റ്റർ വെച്ചു പോരേണ്ടതാണ്.

9. രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള നടപടിക്രമവും സമയപരിധിയും.- (1) വിവാഹത്തിലേർപ്പെട്ട കക്ഷികൾ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായിട്ടുള്ള I-ാം നമ്പർ ഫാറത്തിൽ ഒരു മെമ്മോറാണ്ടം ഡ്യൂപ്ലിക്കേറ്റ് സഹിതം തയ്യാറാക്കേണ്ടതും, [3][ഒരു സെറ്റ് ഫോട്ടോ] സഹിതം ആയത് ബന്ധപ്പെട്ട തദ്ദേശ രജിസ്ട്രാർക്ക് അവരുടെ വിവാഹം നടന്ന തീയതി മുതൽ നാല്പത്തിയഞ്ച് ദിവസകാലയളവിനുള്ളിൽ സമർപ്പിക്കേണ്ടതുമാണ്.

(2) ഈ ചട്ടങ്ങൾ, നിലവിൽ വരുന്നതിനുമുമ്പ് നടന്ന വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള മെമ്മോറാണ്ടം, ഈ ചട്ടങ്ങൾ നിലവിൽ വന്ന തീയതി മുതൽ [4][2010 ഡിസംബർ 31-ാം തീയതിയോ അതിനു മുമ്പോ] സമർപ്പിക്കാവുന്നതാണ്.

(3) മെമ്മോറാണ്ടത്തിൽ വിവാഹത്തിലേർപ്പെടുന്ന ഇരു കക്ഷികളും വിവാഹത്തിനു സാക്ഷ്യം വഹിച്ച മറ്റ് രണ്ടാളുകളും ഒപ്പ് വയ്ക്കേണ്ടതാണ്. ഏതെങ്കിലും സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥകൾക്ക് കീഴിൽ നിയമിക്കപ്പെട്ട ഒരു വിവാഹ ഓഫീസറുടെ മുമ്പാകെ നടന്ന വിവാഹത്തിന്റെ സംഗതിയിൽ, വിവാഹ രജിസ്റ്ററിലെയോ, ഈ ആവശ്യത്തിനായി വച്ചു പോരുന്ന മറ്റേതെങ്കിലും രജിസ്റ്ററിലെയോ വിവാഹ ഓഫീസർ സാക്ഷ്യപ്പെടുത്തിയ ഉൾക്കുറിപ്പുകളും, മതാചാരപ്രകാരം നടന്ന വിവാഹത്തിന്റെ സംഗതിയിൽ, [5][ബന്ധപ്പെട്ട മതാധികാരസ്ഥാനം നൽകുന്ന വിവാഹസാക്ഷ്യപത്രത്തിന്റെ പകർപ്പോ ഒരു ഗസറ്റഡ് ഓഫീസറിൽനിന്നോ പാർലമെന്റ് അംഗത്തിൽ നിന്നോ നിയമസഭാ അംഗത്തിൽ നിന്നോ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിലെ അംഗത്തിൽ നിന്നോ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായുള്ള II-ാം നമ്പർ ഫോറത്തിലുള്ള ഒരു പ്രഖ്യാപനമോ] വിവാഹം നടന്നത് തെളിയിക്കുന്നതിനുള്ള ഒരു രേഖയാകാവുന്നതാണ്. രജിസ്ട്രേഷനുവേണ്ടി മെമ്മോറാണ്ടം സമർപ്പിക്കുന്നതിനോടൊപ്പം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള ഫീസായി [6][നൂറ് രൂപ] നൽകേണ്ടതാണ്.

[7][എന്നാൽ ദാരിദ്ര്യരേഖയ്ക്ക് താഴെയുള്ളവരുടെയും പട്ടികജാതി/പട്ടികവർഗ്ഗത്തിൽപ്പെട്ടവരുടെയും സംഗതിയിൽ വിവാഹം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള ഫീസ് പത്തുരൂപ ആയിരിക്കുന്നതാണ്.

എന്നുമാത്രമല്ല, ഭാര്യാഭർത്താക്കൻമാരിലൊരാൾ മരണപ്പെട്ടുപോയിട്ടുള്ള സംഗതിയിൽ ജീവിച്ചിരിക്കുന്നയാൾ വിവാഹത്തിന് സാക്ഷ്യംവഹിച്ച് രണ്ടാളുകളുടെ ഒപ്പുസഹിതം ഒരു മെമ്മോറാണ്ടം, വിവാഹം നടന്നുവെന്ന് തെളിയിക്കുന്നതിനുള്ള മതിയായ രേഖകൾ സഹിതം തദ്ദേശ രജിസ്ട്രാർ മുമ്പാകെ ഹാജരാക്കുന്നപക്ഷം, അദ്ദേഹം വിവാഹം രജിസ്റ്റർ ചെയ്തു നല്കേണ്ടതാണ്.]

(4) ഈ ചട്ടങ്ങൾ നിലവിൽ വന്നതിനുശേഷം നടന്നിട്ടുള്ളതും അത് സംബന്ധിച്ച് നാല്പത്തിയഞ്ച് ദിവസക്കാലയളവിനുള്ളിൽ മെമ്മോറാണ്ടം ഫയൽ ചെയ്യാതിരിക്കുകയും അപ്രകാരം വിവാഹം നടന്ന തീയതി മുതൽ ഒരു വർഷക്കാലാവധി കഴിയാത്തതുമായ, വിവാഹങ്ങൾ തദ്ദേശ രജിസ്ട്രാർക്ക് (3)-ാം ഉപചട്ടത്തിനു വിധേയമായി, നൂറ് രൂപ പിഴ ചുമത്തിയതിനുശേഷം രജിസ്റ്റർ ചെയ്യാവുന്നതാണ്. അത്തരം സംഗതികളിൽ മെമ്മോറാണ്ടം, ഒരു ഗസറ്റഡ് ഓഫീസറിൽ നിന്നോ പാർലമെന്റ് അംഗത്തിൽ നിന്നോ നിയമസഭാ അംഗത്തിൽ നിന്നോ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ അംഗത്തിൽ നിന്നോ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായിട്ടുള്ള II-ാം നമ്പർ ഫാറത്തിലുള്ള ഒരു പ്രഖ്യാപനം സഹിതമോ അല്ലെങ്കിൽ തദ്ദേശ രജിസ്ട്രാർക്ക് ബോദ്ധ്യമാകുംവിധം വിവാഹം നടന്നുവെന്ന് തെളിയിക്കുന്നതിനുള്ള മറ്റേതെങ്കിലും രേഖകൾ സഹിതമോ ഫയൽ ചെയ്യേണ്ടതാണ്.

10. ഒരു വർഷത്തിനുശേഷമുള്ള വിവാഹം രജിസ്റ്റർ ചെയ്യൽ.- ഈ ചട്ടങ്ങൾ നിലവിൽ വന്നതിനുശേഷം നടന്നതും, വിവാഹം നടന്ന് ഒരുവർഷത്തിനകം രജിസ്റ്റർ ചെയ്യുന്നതിനുവേണ്ടി

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3. The words"രണ്ട് സെറ്റ് ഫോട്ടോ" substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.
4. The words"രണ്ടു വർഷങ്ങൾക്കുള്ളിൽ" substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.
5. The words"ബന്ധപ്പെട്ട മതാധികാരസ്ഥാനം നൽകുന്ന വിവാഹ സാക്ഷ്യപത്രത്തിന്റെ പകർപ്പും" substituted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.
6. The words "പത്ത് രൂപ" substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.
7. Inserted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.

യുള്ള മെമ്മോറാണ്ടം ഫയൽ ചെയ്തിട്ടില്ലാത്തതുമായ വിവാഹങ്ങളും, ഈ ചട്ടങ്ങൾ നിലവിൽ വരുന്നതിനുമുമ്പ് നടന്നതും, അപ്രകാരം നിലവിൽ വന്നതിനുശേഷം [8][2010 ഡിസംബർ 31-ാം തീയതിയോ അതിനു മുമ്പോ] രജിസ്റ്റർ ചെയ്യുന്നതിനുവേണ്ടിയുള്ള മെമ്മോറാണ്ടം ഫയൽ ചെയ്യാതിരിക്കുകയും ചെയ്തിട്ടുള്ള വിവാഹങ്ങളും, 9-ാം ചട്ടത്തിലെ (3)-ാം ഉപചട്ടത്തിന് വിധേയമായി ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന്റെ അനുമതിയോടുകൂടിയും ഇരുന്നൂറ്റിയമ്പത് രൂപ പിഴ നൽകിയതിന്മേലും മാത്രമേ തദ്ദേശ രജിസ്ട്രാർ രജിസ്റ്റർ ചെയ്യുവാൻ പാടുള്ളൂ. അപ്രകാരമുള്ള സംഗതികളിലും മെമ്മോറാണ്ടം, ഒരു ഗസറ്റഡ് ഓഫീസറിൽ നിന്നോ പാർലമെന്റംഗത്തിൽ നിന്നോ നിയമസഭാ അംഗത്തിൽ നിന്നോ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ അംഗത്തിൽ നിന്നോ ഈ ചട്ടങ്ങൾക്കനുബന്ധമായുള്ള II-ാം നമ്പർ ഫാറത്തിലുള്ള ഒരു പ്രഖ്യാപനം സഹിതമോ അല്ലെങ്കിൽ ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിനു ബോദ്ധ്യമാകുന്നവിധം, വിവാഹം നടന്നത് തെളിയിക്കുന്നതിനുള്ള മറ്റ് ഏതെങ്കിലും രേഖകൾ സഹിതമോ ഫയൽ ചെയ്യേണ്ടതാണ്. ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന് ആവശ്യമെങ്കിൽ, തദ്ദേശ രജിസ്ട്രാർ മുഖേനയോ, മറ്റു വിധത്തിലോ അന്വേഷണങ്ങൾ നടത്താവുന്നതും തദ്ദേശ രജിസ്ട്രാറിന് രജിസ്റ്റർ ചെയ്യൽ സംബന്ധിച്ച് ഉചിതമായ നിർദ്ദേശം നൽകാവുന്നതുമാണ്.

11. മെമ്മോറാണ്ടം ഫയൽ ചെയ്യുന്നതും വിവാഹ (പൊതു) രജിസ്റ്ററും.- [9][(1) മെമ്മോറാണ്ടവും രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള നിശ്ചിത ഫീസും ലഭിക്കുന്നതിന്മേൽ തദ്ദേശ രജിസ്ട്രാർ, മെമ്മോറാണ്ടത്തിലെ ഉൾക്കുറിപ്പുകളുടെ കൃത്യതയും പൂർണ്ണതയും പരിശോധിക്കേണ്ടതും, അവയുടെ വിശദ വിവരങ്ങൾ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായുള്ള III-ാം നമ്പർ ഫാറത്തിൽ, അദ്ദേഹം വച്ചുപോരുന്ന രജിസ്റ്ററിൽ ഉടൻ തന്നെ ചേർക്കേണ്ടതുമാണ്. വിവാഹം രജിസ്റ്റർ ചെയ്യുന്നതിനുമുമ്പായി വിവാഹത്തിലേർപ്പെട്ട കക്ഷികൾ തദ്ദേശ രജിസ്ട്രാർ മുമ്പാകെ ഒരു പ്രാവശ്യമെങ്കിലും നേരിട്ട് ഹാജരാകേണ്ടതും വിവാഹ (പൊതു) രജിസ്റ്ററിൽ ഈ ആവശ്യത്തിലേക്കായി നല്കിയിട്ടുള്ള സ്ഥലത്ത് അവരുടെ ഒപ്പ് വയ്ക്കേണ്ടതുമാണ്. അതിനുശേഷം തദ്ദേശ രജിസ്ട്രാർ വിവാഹ (പൊതു) രജിസ്റ്ററിൽ വിവാഹം രജിസ്റ്റർ ചെയ്തുവെന്നു രേഖപ്പെടുത്തേണ്ടതും അദ്ദേഹത്തിന്റെ കൈയ്യൊപ്പ് വയ്ക്കേണ്ടതും ഓഫീസ് മുദ്ര പതിക്കേണ്ടതുമാണ്. III-ാം നമ്പർ ഫാറത്തിലുള്ള വിവാഹ (പൊതു) രജിസ്റ്ററിൽ കക്ഷികൾ ഒപ്പുവെച്ചു എന്ന കാരണത്താൽ മാത്രം വിവാഹം രജിസ്റ്റർ ചെയ്തതായി പരിഗണിക്കുവാൻ പാടുള്ളതല്ല. വിവാഹം രജിസ്റ്റർ ചെയ്തുവെന്ന് തദ്ദേശ രജിസ്ട്രാർ വിവാഹ (പൊതു) രജിസ്റ്ററിൽ രേഖപ്പെടുത്തി കൈയ്യൊപ്പും മുദ്രയും വെയ്ക്കുമ്പോൾ മാത്രമേ വിവാഹം രജിസ്റ്റർ ചെയ്തതായി പരിഗണിക്കുവാൻ പാടുള്ളൂ. കഴിയുന്നതും മെമ്മോറാണ്ടം സമർപ്പിക്കുന്ന ദിവസം തന്നെ വിവാഹം രജിസ്റ്റർ ചെയ്യേണ്ടതാണ്. മെമ്മോറാണ്ടത്തിലെ ഏതെങ്കിലും ഉൾക്കുറിപ്പുകളെ സംബന്ധിച്ച് എന്തെങ്കിലും സംശയം ഉണ്ടാകുന്നപക്ഷം തദ്ദേശ രജിസ്ട്രാർക്ക് യുക്തമെന്ന് തോന്നുന്ന അപ്രകാരമുള്ള കൂടുതൽ അന്വേഷണം നടത്താവുന്നതും മെമ്മോറാണ്ടം സമർപ്പിച്ച തീയതി മുതൽ ഒരാഴ്ച കാലയളവിനുള്ളിൽ വിവാഹം രജിസ്റ്റർ ചെയ്യേണ്ടതും അല്ലെങ്കിൽ അപ്രകാരം വിവാഹം രജിസ്റ്റർ ചെയ്യത്തക്കതല്ലായെന്ന് കാണുന്നപക്ഷം ആയത് III-ാം നമ്പർ ഫോറത്തിലുള്ള വിവാഹ രജിസ്റ്ററിൽ രേഖപ്പെടുത്തേണ്ടതും വിവാഹം രജിസ്റ്റർ ചെയ്യാതിരുന്നതിനുള്ള കാരണം വിവാഹത്തിൽ ഏർപ്പെട്ട കക്ഷികളെ അറിയിക്കേണ്ടതുമാണ്. വിവാഹം രജിസ്റ്റർ ചെയ്തതിന് തെളിവായി വിവാഹ സാക്ഷ്യപത്രം, ഇരുപതുരൂപ ഫീസ് നല്കുന്നതിൻമേൽ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായുള്ള IV-ാം നമ്പർ ഫോറത്തിൽ കഴിയുന്നതും അത് രജിസ്റ്റർ ചെയ്ത

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8. The words "രണ്ടു വർഷം കഴിയുന്നതിന് മുമ്പ്" substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.

9. Substituted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010. Prior to the substitution it read as under:

"(1) മെമ്മോറാണ്ടവും രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള നിശ്ചിത ഫീസും ലഭിക്കുന്നതിന്മേൽ തദ്ദേശ രജിസ്ട്രാർ, മെമ്മോറാണ്ടത്തിലെ ഉൾക്കുറിപ്പുകളുടെ കൃത്യതയും പൂർണ്ണതയും പരിശോധിക്കേണ്ടതും, അതിന്റെ വിശദ വിവരങ്ങൾ ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായുള്ള III-ാം നമ്പർ ഫാറത്തിൽ, ഈ ആവശ്യത്തിലേക്കായി അദ്ദേഹം വെച്ചുപോരുന്ന രജിസ്റ്ററിൽ ഉടൻ തന്നെ ചേർക്കേണ്ടതും, അതിനായി നൽകിയിട്ടുള്ള സ്ഥലത്ത് അദ്ദേഹത്തിന്റെ കയ്യൊപ്പും മുദ്രയും വയ്ക്കേണ്ടതുമാണ്. വിവാഹം രജിസ്റ്റർ ചെയ്തതിനു തെളിവായി, അഞ്ച് രൂപ ഫീസ് നൽകുന്നതിന്മേൽ, വിവാഹ സാക്ഷ്യപത്രം ഈ ചട്ടങ്ങൾക്ക് അനുബന്ധമായുള്ള IV-ാം നമ്പർ ഫാറത്തിൽ, അഞ്ച് പ്രവൃത്തിദിവസങ്ങൾക്കകം അപേക്ഷകന് നൽകേണ്ടതാണ്. ഓരോ വിവാഹവുമായി ബന്ധപ്പെട്ട ഉൾക്കുറിപ്പിന് ഓരോ കലണ്ടർ വർഷത്തിലും തുടർച്ചയായ രജിസ്ട്രേഷൻ നമ്പർ നൽകേണ്ടതും ഓരോ കലണ്ടർ വർഷത്തിലും പ്രത്യേകം പ്രത്യേകം രജിസ്റ്റർ സൂക്ഷിക്കേണ്ടതുമാണ്."

ദിവസം തന്നെയും എന്നാൽ മൂന്നു പ്രവർത്തി ദിവസങ്ങൾ കഴിയുന്നതിനു മുമ്പായും അപേക്ഷകന് നല്കേണ്ടതാണ്. ഓരോ വിവാഹവുമായി ബന്ധപ്പെട്ട ഉൾക്കുറിപ്പിന് ഓരോ കലണ്ടർ വർഷത്തിലും തുടർച്ചയായ രജിസ്ട്രേഷൻ നമ്പർ നല്കേണ്ടതും ഓരോ കലണ്ടർ വർഷത്തിലും പ്രത്യേകം പ്രത്യേകം രജിസ്റ്റർ സൂക്ഷിക്കേണ്ടതുമാണ്.]

(2) തദ്ദേശ രജിസ്ട്രാറിന്, വിവാഹം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള ഒരു മെമ്മോറാണ്ടം ശരിയായ ഫാറത്തിലോ ആവശ്യമായ ഫീസ് സഹിതമോ അല്ലെങ്കിൽ, എഴുതി രേഖപ്പെടുത്തിയ കാരണങ്ങളാൽ, നിരസിക്കാവുന്നതും അതിനുള്ള കാരണം അപ്രകാരം നിരസിച്ച തീയതി മുതൽ മുപ്പത് ദിവസക്കാലയളവിനുള്ളിൽ ബന്ധപ്പെട്ട കക്ഷികളെ അറിയിക്കേണ്ടതുമാണ്.

(3) ഓരോ മാസവും ലഭിക്കുന്ന മെമ്മോറാണ്ടത്തിന്റെ ഡ്യൂപ്ലിക്കേറ്റ് പകർപ്പുകൾ അടുത്ത മാസം 10-ാം തീയതിക്കുമുമ്പ് ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന്, തദ്ദേശ രജിസ്ട്രാർ അയച്ചുകൊടുക്കേണ്ടതാണ്. തദ്ദേശ രജിസ്ട്രാർ സ്വീകരിക്കുന്ന അസ്സൽ മെമ്മോറാണ്ടവും ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിനു അയച്ചുകൊടുത്ത ഡ്യൂപ്ലിക്കേറ്റ് പകർപ്പുകളും സ്ഥിരം രേഖകളായി ഫയൽ ചെയ്യേണ്ടതാണ്.

12. ഫാറങ്ങളുടെ പ്രിന്റിംഗും വിതരണവും.- രജിസ്ട്രാർ ജനറൽ, അവരുടെ ബന്ധപ്പെട്ട അധികാരിതയിൻ കീഴിൽ വരുന്ന പ്രദേശങ്ങളിലെ, തദ്ദേശ രജിസ്ട്രാറിന്റെ ഉപയോഗത്തിന് ആവശ്യമായ ഫാറങ്ങളും രജിസ്റ്ററുകളും പ്രിന്റു ചെയ്യുന്നതിനും വിതരണം ചെയ്യുന്നതിനുമുള്ള സജ്ജീകരണം നടത്തേണ്ടതാണ്.

13. ഉൾക്കുറിപ്പുകളുടെ തിരുത്തലും റദ്ദാക്കലും.- (1) തദ്ദേശ രജിസ്ട്രാർക്ക്, സ്വമേദയായോ, കക്ഷികൾ മുഖേനയുള്ള അപേക്ഷയിന്മേലോ, വിവാഹ (പൊതു) രജിസ്റ്ററിലെ ഏതെങ്കിലും ഉൾക്കുറിപ്പ്, രൂപത്തിലോ, സാരാംശത്തിലോ, തെറ്റാണെന്നോ അഥവാ വ്യാജമായോ കൃത്യമല്ലാതെയോ ഉണ്ടാക്കിയതാണെന്നോ, ബോദ്ധ്യപ്പെടുന്ന പക്ഷം, അദ്ദേഹം (2)-ാം ഉപചട്ടത്തിലെ നിബന്ധനകൾക്കു വിധേയമായി, രജിസ്ട്രേഷൻ റദ്ദുചെയ്യൽ ഉൾപ്പെടെയുള്ള ഉചിതമായ തിരുത്തലുകൾ, അസ്സൽ ഉൾക്കുറിപ്പിന് യാതൊരു മാറ്റവും വരുത്താതെയും അത്തരം തിരുത്തലുകൾക്കുള്ള തെളിവ് വിവാഹ (പൊതു) രജിസ്റ്ററിന്റെ മാർജിനിൽ രേഖപ്പെടുത്തിക്കൊണ്ടും, വരുത്താവുന്നതും മാർജിനിലെ ഉൾക്കുറിപ്പിൽ തിരുത്തലിന്റെയോ റദ്ദാക്കലിന്റെയോ തീയതി സഹിതം ഒപ്പ് വെയ്ക്കേണ്ടതും, തിരുത്തലുകളുടെ വിശദവിവരങ്ങൾ ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന് അയച്ചുകൊടുക്കേണ്ടതുമാണ്.

(2) പേര്, വയസ്സ്, തീയതി മുതലായ സാരവത്തായ വിശദാംശങ്ങളിലെ എല്ലാ തിരുത്തലുകളും റദ്ദാക്കലുകളും ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന്റെ അനുമതിയോടുകൂടി മാത്രം ചെയ്യേണ്ടതാണ്:

എന്നാൽ അപ്രകാരമുള്ള തിരുത്തലോ റദ്ദാക്കലോ ബന്ധപ്പെട്ട കക്ഷികൾക്ക് പറയാനുള്ളത് പറയുവാൻ ന്യായമായ ഒരു അവസരം നൽകാതെ നടത്തുവാൻ പാടുള്ളതല്ല.

(3) (2)-ാം ഉപചട്ടത്തിൻകീഴിൽ അനുമതി ലഭിക്കുന്നതിന്മേൽ തദ്ദേശ രജിസ്ട്രാർ, വിവാഹ (പൊതു) രജിസ്റ്ററിൽ, അതതു സംഗതിപോലെ, തിരുത്തലോ റദ്ദാക്കലോ വരുത്തേണ്ടതാണ്.

(4) വിവാഹ (പൊതു) രജിസ്റ്ററിൽ ക്ലറിക്കൽ പിശക് ഒഴികെയുള്ള, തെറ്റു തിരുത്തലിന് നൂറ് രൂപ ചാർജ് ചെയ്യേണ്ടതാണ്.

(5) ഈ ചട്ടത്തിന് കീഴിൽ ഒരു ഉൾക്കുറിപ്പ് തിരുത്തുകയോ, റദ്ദാക്കുകയോ ചെയ്യുന്ന ഓരോ സംഗതിയിലും, അതിന്റെ അറിയിപ്പ് വിവാഹത്തിൽ ഏർപ്പെട്ട കക്ഷികൾക്ക് അയച്ചുകൊടുക്കേണ്ടതും തദ്ദേശ രജിസ്ട്രാർ ആവശ്യമായ വിശദ വിവരം നൽകുന്ന ഒരു റിപ്പോർട്ട് ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന് നൽകേണ്ടതുമാണ്.

14. പരിശോധനയും ഉൾക്കുറിപ്പിന്റെ പ്രസക്തഭാഗങ്ങൾ ലഭ്യമാക്കലും.- ഏതൊരാളിനും ഈ ആവശ്യത്തിലേക്കായി സമർപ്പിച്ച അപേക്ഷയിന്മേൽ, ഇരുപത്തിയഞ്ച് രൂപ ഫീസ് ഒടുക്കിയതിനുശേഷം, വിവാഹ (പൊതു) രജിസ്റ്ററിലെ ഏതെങ്കിലും ഉൾക്കുറിപ്പ് തദ്ദേശ രജിസ്ട്രാറിനെക്കൊണ്ട് പരിശോധിപ്പിക്കാവുന്നതും, അത്തരം രജിസ്റ്ററിലെ പ്രസക്ത ഭാഗം അടങ്ങുന്ന IV-ാം നമ്പർ ഫാറത്തിലുള്ള വിവാഹ സാക്ഷ്യപത്രം ലഭ്യമാക്കാവുന്നതുമാണ്. തദ്ദേശ രജിസ്ട്രാർ അങ്ങനെയുള്ള എല്ലാ പ്രസക്ത ഭാഗങ്ങളും സാക്ഷ്യപ്പെടുത്തേണ്ടതാണ്.

15. **വിവാഹം രജിസ്റ്റർ ചെയ്യാതിരിക്കലിന്റെ പരിണിത ഫലങ്ങൾ.-** ഈ ചട്ടങ്ങൾ നിലവിൽ വന്നതിനുശേഷം, ഈ ചട്ടങ്ങൾ പ്രകാരമോ മറ്റേതെങ്കിലും സ്റ്റാറ്റ്യൂട്ടറി വ്യവസ്ഥ പ്രകാരമോ അധികാരപ്പെടുത്തിയിട്ടുള്ള അധികാരസ്ഥാനങ്ങൾ അല്ലാതെയുള്ള, ഏതെങ്കിലും അധികാരസ്ഥാനം നൽകുന്ന ഏതൊരു വിവാഹ സാക്ഷ്യപത്രവും സർക്കാർ യാതൊരു ആവശ്യത്തിനും സ്വീകരിക്കുന്നതല്ല. എന്നിരുന്നാലും ഈ ചട്ടങ്ങൾ നിലവിൽ വരുന്നതിനുമുമ്പ് നടന്ന വിവാഹങ്ങൾക്ക് ഈ വ്യവസ്ഥ ബാധകമാകുന്നതല്ല.

16. **അപ്പീൽ.-** തദ്ദേശ രജിസ്ട്രാറിന്റെ ഏതൊരു തീരുമാനത്തിനെതിരെയും, ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറൽ മുമ്പാകെ അപ്പീൽ നൽകാവുന്നതും അപ്രകാരമുള്ള അപ്പീൽ അങ്ങനെയുള്ള ഏതെങ്കിലും തീരുമാനം അറിയിച്ച തീയതി മുതൽ മൂന്നുമാസകാലയളവിനുള്ളിൽ ഫയൽ ചെയ്യേണ്ടതുമാണ്. എന്നിരുന്നാലും ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന് മതിയായ കാരണങ്ങളിന്മേൽ കാലതാമസം മാപ്പാക്കാവുന്നതാണ്. അദ്ദേഹം അപ്പീൽ പരിഗണിക്കേണ്ടതും ബന്ധപ്പെട്ട കക്ഷികളെ കേട്ടതിനുശേഷം തദ്ദേശ രജിസ്ട്രാറിന്റെ ഉത്തരവ് സ്ഥിരീകരിച്ചുകൊണ്ടോ അല്ലെങ്കിൽ അപ്പീൽ അനുവദിച്ചുകൊണ്ടോ അറുപത് ദിവസക്കാലയളവിനുള്ളിൽ തീർപ്പാക്കേണ്ടതുമാണ്.

17. **റിവിഷൻ.-** ബന്ധപ്പെട്ട രജിസ്ട്രാർ ജനറലിന്റെ തീരുമാനത്തിനെതിരെ മുഖ്യ രജിസ്ട്രാർ ജനറൽ മുമ്പാകെ റിവിഷൻ ബോധിപ്പിക്കാവുന്നതും അപ്രകാരമുള്ള റിവിഷൻ അങ്ങനെയുള്ള തീരുമാനം അറിയിച്ച തീയതി മുതൽ മൂന്നു മാസക്കാലയളവിനുള്ളിൽ ഫയൽ ചെയ്യേണ്ടതുമാണ്. എന്നിരുന്നാലും മുഖ്യ രജിസ്ട്രാർ ജനറലിന് മതിയായ കാരണങ്ങളിന്മേൽ കാലതാമസം മാപ്പാക്കാവുന്നതാണ്. അദ്ദേഹം റിവിഷൻ പരിഗണിക്കേണ്ടതും ബന്ധപ്പെട്ട കക്ഷികളെ കേട്ടതിനുശേഷം രജിസ്ട്രാർ ജനറലിന്റെ ഉത്തരവ് സ്ഥിരീകരിച്ചുകൊണ്ടോ അല്ലെങ്കിൽ റിവിഷൻ അനുവദിച്ചുകൊണ്ടോ അറുപതു ദിവസക്കാലയളവിനുള്ളിൽ തീർപ്പാക്കേണ്ടതാണ്.

ഫാറം I

[ചട്ടം 9 (1) കാണുക]

വിവാഹം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള മെമ്മോറാണ്ടം

1. വിവാഹ തീയതി:

2. വിവാഹ സ്ഥലം: തദ്ദേശ പ്രദേശം, വില്ലേജ്, താലൂക്ക്, ജില്ല
(മണ്ഡപം, ഹാൾ മുതലായവ വ്യക്തമാക്കുക)

....

ഭർത്താവിന്റെ ഫോട്ടോ പതിക്കേണ്ടതാണ്	ഭാര്യയുടെ ഫോട്ടോ പതിക്കേണ്ടതാണ്

3. വിവാഹത്തിൽ ഏർപ്പെട്ട കക്ഷികളുടെ വിശദ വിവരങ്ങൾ (വിവാഹ തീയതിയിൽ)

വിവരങ്ങൾ	ഭർത്താവ്	ഭാര്യ
(എ) പൂർണ്ണമായ പേര്		
(ബി) പൗരത്വം		
(സി) വയസും ജനനത്തീയതിയും [10][എസ്. എസ്.എൽ.സി ബുക്ക്, ഡ്രൈവിംഗ് ലൈസൻസ്, പാസ്പോർട്ട്, സ്കൂൾ പ്രവേശന രജിസ്റ്റർ, അല്ലെങ്കിൽ സർക്കാർ നൽകിയ ജനനത്തീയതി കാണിക്കുന്ന മറ്റു രേഖകൾ എന്നിവ പോലെയുള്ള മതിയായ തെളിവ് ഹാജരാക്കേണ്ടതാണ്)]		
[11][(സിഎ) തൊഴിൽ]		
(ഡി) സ്ഥിര മേൽവിലാസം		

10. The words "(മതിയായ തെളിവ് ഹാജരാക്കേണ്ടതാണ്)" substituted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.

11. Inserted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.

(ഇ) ഇപ്പോഴത്തെ മേൽവിലാസം

[12][x x x] (എഫ്)മുമ്പ് വിവാഹിതനാണോ അല്ലയോ

വിവാഹിതൻ

അവിവാഹിതൻ

വിഭാര്യൻ

വിധവ

വിവാഹ ബന്ധം വേർപെടുത്തിയ ആൾ

(ജി) എതെങ്കിലും ജീവിത പങ്കാളി ജീവിച്ചിരുപ്പുണ്ടോ

(അതെ എങ്കിൽ എത്ര ജീവിത പങ്കാളി ജീവിച്ചിരിപ്പുണ്ട്)

(എച്ച്)തീയതിയോടുകൂടിയുള്ള ഒപ്പ്

(ഐ) പിതാവിന്റെ അഥവാ രക്ഷകർത്താവിന്റെ പേരും ബന്ധവും

(ജെ) വയസ്സ്

(കെ) മേൽവിലാസം

(എൽ)തീയതിയോടുകൂടിയുള്ള ഒപ്പ് (അയാൾ സമ്മതിക്കുന്ന കക്ഷിയാണെങ്കിൽ)

(എം) മാതാവിന്റെ പേര്

(എൻ)വയസ്സ്

(ഒ) മേൽവിലാസം

(പി) തീയതിയും ഒപ്പും

(സമ്മതിക്കുന്ന ഒരു കക്ഷിയാണെങ്കിൽ)

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[13][x x x]

4. വിവാഹം നടന്നതിനുള്ള സാക്ഷികൾ

1. (എ) പേര്
   (ബി) മേൽവിലാസം
   (സി) ഒപ്പും തീയതിയും
2. (എ) പേര്
   (ബി) മേൽവിലാസം
   (സി) ഒപ്പും തീയതിയും

5. ചട്ടം 9/ചട്ടം 10 പ്രകാരം ആവശ്യമായ വിവാഹ രേഖകൾ ഏതെങ്കിലുമുണ്ടെങ്കിൽ അവയുടെ വിശദ വിവരം

കക്ഷികളുടെ പ്രഖ്യാപനം

ഞങ്ങൾ.....മേൽപ്പറഞ്ഞ വിവരങ്ങൾ തങ്ങളുടെ അറിവിലും വിശ്വാസത്തിലും പെട്ടിടത്തോളം ശരിയാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുന്നു.

കക്ഷികളുടെ ഒപ്പ്

സ്ഥലം : 1. ഭർത്താവ്

തീയതി : 2. ഭാര്യ

(ഓഫീസ് ആവശ്യത്തിന്)

.....തീയതിയിൽ/തപാൽ വഴി/നേരിട്ട് ലഭിച്ചു.

തദ്ദേശ രജിസ്ട്രാർ

വിവാഹ (പൊതു) രജിസ്റ്ററിൽ ..... തീയതിയിൽ .....രജിസ്ട്രേഷൻ നമ്പരായി രജിസ്റ്റർ ചെയ്തു

തദ്ദേശ രജിസ്ട്രാർ

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12. The sign "*" omitted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.
13. The words, signs brackets ബാധകമാകുന്നതിന് (✓) അടയാളം ഇടേണ്ടതാണ്" omitted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.

[14][ഫാറം II

പാർലമെന്റ് അംഗം/നിയമസഭാംഗം/ഗസറ്റഡ് ഓഫീസർ/ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിലെ അംഗം എന്നിവരുടെ പ്രഖ്യാപനം

[ചട്ടം 9(3) 9(4), ചട്ടം 10-ഉം കാണുക]

ശ്രീ.....ഉം ശ്രീമതി.....ഉം തമ്മിലുള്ള വിവാഹം ..... സ്ഥലത്തുവച്ച്.....തീയതിയിൽ നടന്നിട്ടുള്ളതാണെന്നും ഇക്കാര്യം എനിക്ക് നേരിട്ടറിയാമെന്നും ഞാൻ..... ഇതിനാൽ സാക്ഷ്യപ്പെടുത്തുന്നു.

സ്ഥലം : ഒപ്പ് :

തീയതി : പേര് :

(പാർലമെന്റ് അംഗം/നിയമസഭാഗം/ഗസറ്റഡ് ഓഫീസർ/ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിലെ അംഗം]

ഫാറം നമ്പർ III

(ചട്ടം 8 കാണുക)

വിവാഹ (പൊതു) രജിസ്റ്റർ

1. വിവാഹ തീയതി

2. വിവാഹസ്ഥലം തദ്ദേശപ്രദേശം വില്ലേജ് താലൂക്ക് ജില്ല

(ഹാൾ, കല്യാണ മണ്ഡപം മുതലായവ വ്യക്തമാക്കുക)

....

ഭർത്താവിന്റെ ഒപ്പ്

ഭാര്യയുടെ ഒപ്പ്

ഭർത്താവിന്റെ ഫോട്ടോ പതിക്കേണ്ടതാണ്	ഭാര്യയുടെ ഫോട്ടോ പതിക്കേണ്ടതാണ്

3. വിവാഹത്തിൽ ഏർപ്പെട്ട കക്ഷികളുടെ വിശദ വിവരങ്ങൾ (വിവാഹ തീയതിയിൽ)

വിശദ വിവരങ്ങൾ	ഭർത്താവ്	ഭാര്യ
(എ) പൂർണ്ണമായ പേര്		
(ബി) പൗരത്വം		
(സി) ജനനത്തീയതിയും വയസും		
[15][(സിഎ) തൊഴിൽ]		
(ഡി) സ്ഥിര മേൽവിലാസം		
(ഇ) ഇപ്പോഴത്തെ മേൽവിലാസം		
(എഫ്)മുമ്പ് വിവാഹിതനാണോ അല്ലയോ		
വിവാഹിതൻ		
അവിവാഹിതൻ		
വിഭാര്യൻ		
വിധവ		
വിവാഹ ബന്ധം വേർപെടുത്തിയ ആൾ		

14. Form II substituted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.
15. Inserted by G.O. (P) No. 16/2009/Law dt. 25-6-2009 in K.G. Ext. No. 1187, w.e.f. 30-6-2009.

(ജി) എതെങ്കിലും ജീവിത പങ്കാളി ജീവിച്ചിരുപ്പുണ്ടോ
(അതെ എങ്കിൽ എത്ര ജീവിത പങ്കാളി ജീവിച്ചിരിപ്പുണ്ട്)

(എച്ച്) പിതാവിന്റെയോ രക്ഷകർത്താവിന്റെയോ പേരും ബന്ധവും

(ഐ) വയസ്സ്

(ജെ) മേൽവിലാസം

(കെ) മാതാവിന്റെ പേര്

(എൽ) വയസ്സ്

(എം) മേൽവിലാസം

4. വിവാഹം നടന്നതിന്റെ സാക്ഷികൾ

1. (എ) പേര്
(ബി) മേൽവിലാസം

2. (എ) പേര്
(ബി) മേൽവിലാസം

5. മെമ്മോറാണ്ടം ലഭിച്ച തീയതി.....

6. ചട്ടം 9/ചട്ടം 10 പ്രകാരം ആവശ്യമായ വിവാഹരേഖകളുടെ വിശദവിവരങ്ങൾ

[16][(7. വിവാഹം രജിസ്റ്റർ ചെയ്തു/വിവാഹം രജിസ്റ്റർ ചെയ്തില്ല (വിവാഹം രജിസ്റ്റർ ചെയ്തില്ലെങ്കിൽ അതിനുള്ള കാരണം രേഖപ്പെടുത്തേണ്ടതാണ്)]

തീയതി: തദ്ദേശ രജിസ്ട്രാർ

രജിസ്ട്രേഷൻ നമ്പർ /വർഷം തീയതി

തദ്ദേശ രജിസ്ട്രാർ

ഫാറം നമ്പർ IV

[ചട്ടം 11 (1) കാണുക]

കേരള സർക്കാർ

.....വകുപ്പ്

വിവാഹ സാക്ഷ്യപത്രം

[2008-ലെ കേരള വിവാഹ രജിസ്റ്റർ ചെയ്യൽ (പൊതു ചട്ടങ്ങളിലെ ചട്ടം 11(1) പ്രകാരം നൽകുന്നത്]

സാക്ഷ്യപത്രം നമ്പർ.....തീയതി.....(തദ്ദേശ പ്രദേശം)-ലെ തദ്ദേശ രജിസ്ട്രാറിന്റെ ഓഫീസിൽ ഫാറം നമ്പർ 3-ൽ സൂക്ഷിച്ചിട്ടുള്ള വിവാഹരജിസ്റ്ററിൽ നിന്നും താഴെ പറയുന്ന വിവരങ്ങൾ എടുത്തിട്ടുള്ളതാണെന്ന് സാക്ഷ്യപ്പെടുത്തുന്നു.

1. വിവാഹ തീയതി:

2. വിവാഹ സ്ഥലം: (ഫാറം നമ്പർ III-ലുള്ളതു പോലെ)

3. വിവാഹത്തിലേർപ്പെട്ട കക്ഷികളുടെ വിശദവിവരം (വിവാഹ തീയതിയിൽ)

വിശദ വിവരങ്ങൾ	ഭർത്താവ്	ഭാര്യ
(എ) പൂർണ്ണമായ പേര്		
(ബി) പൗരത്വം		
(സി) ജനനത്തീയതിയും വയസും		
(ഡി) തൊഴിൽ		
(ഇ) സ്ഥിര മേൽവിലാസം		

16. Inserted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.

(എഫ്) മാതാപിതാക്കളുടെ പേരും അല്ലെങ്കിൽ
രക്ഷകർത്താവിന്റെ പേരും ബന്ധവും
1. പിതാവ്
2. മാതാവ്
3. രക്ഷകർത്താവ്

[17][x x x]

രജിസ്ട്രേഷൻ നമ്പർ...../വർഷം
രജിസ്ട്രേഷൻ തീയതി.....
തദ്ദേശ രജിസ്ട്രാർ,
തദ്ദേശപ്രദേശത്തിന്റെ പേര്
എന്റെ കൈയൊപ്പും മുദ്രയോടും കൂടി.....തീയതിയിൽ നൽകിയത്.

NOTIFICATION

ഹിന്ദുമത വിശ്വാസികളുടെ വിവാഹം രജിസ്റ്റർ ചെയ്തു നല്കുന്നത് സർക്കുലർ

നമ്പർ 3186/ഇ.2/09/നിയമം തിരുവനന്തപുരം, 2009 മാർച്ച് 21

വിഷയം:- നിയമവകുപ്പ് - ഹിന്ദുമത വിശ്വാസികളുടെ വിവാഹം രജിസ്റ്റർ ചെയ്തു നല്കുന്നത് - സ്പഷ്ടീകരണം സംബന്ധിച്ച്

സൂചന:- 29-2-2008-ലെ സ.ഉ.(പി)1/08/നിയമം -ാം നമ്പർ വിജ്ഞാപനം.

2008-ലെ കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങൾ നിലവിൽ വന്നതിനുശേഷം പ്രസ്തുത ചട്ടങ്ങൾക്കുവിധേയമായി തങ്ങളുടെ വിവാഹങ്ങളും രജിസ്റ്റർ ചെയ്ത് സർട്ടിഫിക്കറ്റുകൾ നല്കണമെന്ന് ഹിന്ദുമത വിശ്വാസികളായ ദമ്പതിമാർ ആവശ്യപ്പെടുന്നുണ്ട്. എന്നാൽ ചില തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളിലെ രജിസ്ട്രാർമാർ ഈ ആവശ്യം നിരസിക്കുന്നുവെന്നും 1955-ലെ ഹിന്ദുവിവാഹ ആക്റ്റിലെ വ്യവസ്ഥകൾ പ്രകാരം തന്നെ വിവാഹം രജിസ്റ്റർ ചെയ്യണമെന്ന് നിഷ്കർഷിക്കുന്നതായും ഉള്ള പരാതികൾ സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെടുകയുണ്ടായി. സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിച്ചു.

2008-ലെ കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങളിലെ 6-ാം ചട്ട പ്രകാരം, സംസ്ഥാനത്തു നടക്കുന്ന എല്ലാ വിവാഹങ്ങളും ബന്ധപ്പെട്ട കക്ഷികളുടെ മതഭേദമന്യേ പ്രസ്തുത ചട്ടത്തിൻകീഴിൽ രജിസ്റ്റർ ചെയ്യാവുന്നതിനാലും, ഹിന്ദുവിവാഹങ്ങൾ, 1955-ലെ ഹിന്ദുവിവാഹ ആക്റ്റും അതിൻകീഴിലുള്ള ചട്ടങ്ങൾ പ്രകാരവും രജിസ്റ്റർ ചെയ്യുന്നത് ഹിതാനുസരണമായിട്ടുള്ള തിനാലും, ഹിന്ദുവിവാഹങ്ങൾ ഹിന്ദുവിവാഹ ആക്റ്റിലെ വ്യവസ്ഥകളനുസരിച്ച് തന്നെ രജിസ്റ്റർ ചെയ്യണമെന്ന് നിഷ്കർഷിക്കുന്നത് ചട്ടങ്ങൾക്ക് അനുസൃതമല്ല. അതിനാൽ സംസ്ഥാനത്ത് ഹിന്ദുവിവാഹ ആക്റ്റുപ്രകാരം നടക്കുന്ന വിവാഹങ്ങളെ സംബന്ധിച്ച്, 2008-ലെ കേരള വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്യൽ (പൊതു) ചട്ടങ്ങളനുസരിച്ചുള്ള മെമ്മോറാണ്ടം സമർപ്പിക്കുന്ന സംഗതിയിൽ പ്രസ്തുത ചട്ടങ്ങളനുസരിച്ചുതന്നെ വിവാഹങ്ങൾ രജിസ്റ്റർ ചെയ്ത് സർട്ടിഫിക്കറ്റ് നല്കേണ്ടതാണെന്ന് വ്യക്തമാക്കുന്നു. (Published in K.G. No. 14 dt. 7-4-2009).

17. The words and brackets "ഫോട്ടോഗ്രാഫുകൾ" "(ഫോട്ടോയിൽ ഓഫീസ് മുദ്ര പതിക്കേണ്ടതാണ്.)" omitted by G.O. (P) No. 2/2010/Law dt. 25-2-2010 in K.G.Ext. No. 457, w.e.f. 25-2-2010.

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(2008-ലെ 28-ാം ആക്റ്റ്)

കേരളസംസ്ഥാനത്തെ കാർഷികരംഗത്തെ വളർച്ച പ്രോത്സാഹിപ്പിക്കുന്നതിനും പാരിസ്ഥിതികവ്യവസ്ഥയുടെ സുസ്ഥിരത ഉറപ്പു വരുത്തുന്നതിനും വേണ്ടി നെൽവയലുകളും തണ്ണീർത്തടങ്ങളും സംരക്ഷിക്കുന്നതിനും അവ പരിവർത്തനപ്പെടുത്തുന്നതും രൂപാന്തരപ്പെടുത്തുന്നതും നിയന്ത്രിക്കുന്നതിനും ഉള്ള ഒരു ആക്റ്റ്

പീഠിക.- സംസ്ഥാനത്ത് നെൽവയലുകളും തണ്ണീർത്തടങ്ങളും അനിയന്ത്രിതമായി രൂപാന്തരപ്പെടുത്തുകയും വൻതോതിൽ പരിവർത്തനപ്പെടുത്തുകയും ചെയ്യുന്നതായി സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുള്ളതിനാലും;

നെൽവയലുകൾ പരിവർത്തനപ്പെടുത്തുകയോ രൂപാന്തരപ്പെടുത്തുകയോ ചെയ്യുന്നത് ഫലപ്രദമായി നിയന്ത്രിക്കുന്നതിനുള്ള യാതൊരു നിയമങ്ങളും നിലവിൽ ഇല്ലാത്തതിനാലും;

സംസ്ഥാനത്തെ കാർഷികവളർച്ച പ്രോത്സാഹിപ്പിക്കുകയും ഭക്ഷ്യസുരക്ഷ ഉറപ്പാക്കുകയും പാരിസ്ഥിതികവ്യവസ്ഥയുടെ സുസ്ഥിരത ഉറപ്പാക്കുകയും ചെയ്യുന്നതിനുവേണ്ടി, നെൽവയലുകളും തണ്ണീർത്തടങ്ങളും സംരക്ഷിക്കുകയും അവ പരിവർത്തനപ്പെടുത്തുകയും രൂപാന്തരപ്പെടുത്തുകയും ചെയ്യുന്നത് നിയന്ത്രിക്കുന്നതിന് വ്യവസ്ഥ ചെയ്യേണ്ടത്, പൊതുതാൽപ്പര്യാർത്ഥം, യുക്തമായിരിക്കുമെന്ന് സർക്കാരിന് ബോധ്യം വന്നതിനാലും;

ഭാരത റിപ്പബ്ലിക്കിന്റെ അമ്പത്തിയൊമ്പതാം സംവത്സരത്തിൽ താഴെപ്പറയുംപ്രകാരം നിയമമുണ്ടാക്കുന്നു:-

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.- (1) ഈ ആക്റ്റിന് 2008-ലെ കേരള നെൽവയൽ-തണ്ണീർത്തട സംരക്ഷണ ആക്റ്റ് എന്ന് പേർ പറയാം.

(2) ഇതിന് കേരള സംസ്ഥാനം മുഴുവനും വ്യാപ്തിയുണ്ടായിരിക്കുന്നതാണ്.

(3) ഇത് ഉടൻ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. നിർവ്വചനങ്ങൾ.- ഈ ആക്റ്റിൽ, സന്ദർഭം മറ്റു വിധത്തിൽ ആവശ്യപ്പെടാത്ത പക്ഷം,-

(i) "കളക്ടർ" എന്നാൽ ജില്ലയുടെ കളക്ടർ എന്നർത്ഥമാകുന്നതും അതിൽ കളക്ടറുടെ ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് സർക്കാർ നിയമിച്ചിട്ടുള്ളതോ അധികാരപ്പെടുത്തിയിട്ടുള്ളതോ ആയ മറ്റേതെങ്കിലും ഉദ്യോഗസ്ഥൻ ഉൾപ്പെടുന്നതുമാകുന്നു;

(ii) "സമിതി" എന്നാൽ 5-ാം വകുപ്പു പ്രകാരം രൂപീകരിക്കുന്ന പ്രാദേശികതല നിരീക്ഷണ സമിതി എന്നർത്ഥമാകുന്നു;

(iii) "പരിവർത്തനപ്പെടുത്തൽ" എന്നാൽ നെൽകൃഷി ചെയ്തുകൊണ്ടിരുന്ന ഒരു സ്ഥലം

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* Received the assent of th Governor on 11-/08/2008. Published under Notificatiion No. 19661/Leg. A1/20078/Law dt. 12-08-2008, in K.G. Ext. No. 1790 dt. 12-08-2008 (w.e. 12/08/2008).

ഉദ്ദേശ്യകാരണങ്ങളുടെ വിവരണം

കുട്ടനാടും പാലക്കാടും അതുപോലെയുള്ള മറ്റു പ്രദേശങ്ങളും അടുത്തകാലം വരെയും കേരളത്തിന്റെ നെൽപ്പുരകളായി വർത്തിച്ചിരുന്നു. എന്നാൽ, കഴിഞ്ഞ ഏതാനും പതിറ്റാണ്ടുകൊണ്ട് ഈ സ്ഥിതിക്ക് മാറ്റം സംഭവിച്ചു. നെല്ലും ആവശ്യവസ്തുക്കളും കൃഷി ചെയ്യുന്നതിൽനിന്നും നാണ്യവിളകളിലേക്കുള്ള ഭയാനകമായ മാറ്റം ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നു. നെൽവയൽ പരിവർത്തനം ചെയ്യുന്നതുമൂലം നെൽകൃഷിയുടെ വിസ്തൃതി 1970-കളിൽ എട്ടുലക്ഷം ഹെക്ടറിൽ കൂടുതൽ എന്നതിൽനിന്നും 2000-ൽ രണ്ടുലക്ഷം ഹെക്ടറായി കുത്തനെ കുറഞ്ഞിരിക്കുന്നു. കേരളത്തിന് ആവശ്യമായ അരിയുടെ എൺപതു ശതമാനത്തിലധികം മറ്റു സംസ്ഥാനങ്ങളിൽനിന്നും ഇറക്കുമതി ചെയ്യുകയാണ്. സാമൂഹികവും സാമ്പത്തികവും സാംസ്കാരികവുമായി ഉണ്ടായ പല മാറ്റങ്ങളും നെൽവയൽ നികത്തുന്നതിന് ഇടവരുത്തിയി

അതിന്റെ അനുബന്ധനിർമ്മിതികളായ ജലനിർഗ്ഗമന ചാലുകളും, കുളങ്ങളും, കൈത്തോടുകളും, ചിറകളും വരമ്പുകളും, മറ്റേതെങ്കിലും ആവശ്യത്തിനായി ഉപയോഗപ്പെടുത്തുന്ന അവസ്ഥ എന്നർത്ഥമാകുന്നു;

(iv) "ജില്ല" എന്നാൽ ഒരു റവന്യൂ ജില്ല എന്നർത്ഥമാകുന്നു;

(v) "ജില്ലാതല അധികൃതസമിതി" എന്നാൽ 9-ാം വകുപ്പുപ്രകാരം രൂപീകരിക്കുന്ന ജില്ലാതല അധികൃതസമിതി എന്നർത്ഥമാകുന്നു;

(vi) "ജലനിർഗ്ഗമന ചാല്" നെൽവയലിലേക്കും അതിൽ നിന്ന് പുറത്തേക്കും ജലം ഒഴുക്കിവിടുന്നതിനുള്ള ചാല് എന്നർത്ഥമാകുന്നു;

(vii) "സർക്കാർ" എന്നാൽ കേരള സർക്കാർ എന്നർത്ഥമാകുന്നു;

(viii) "നെൽവയലിന്റെ അനുഭവക്കാരൻ" എന്നാൽ ഉടമസ്ഥനായോ നിയമാനുസൃത അവകാശിയായോ നെൽവയൽ കൈവശം വച്ചിരിക്കുന്ന ആൾ എന്നർത്ഥമാകുന്നു;

(ix) "ഇടക്കാലവിള" എന്നാൽ നെൽവയലിന്റെ പാരിസ്ഥിതികസ്വഭാവം അനുസരിച്ച്, രണ്ട് നെൽക്കൃഷിക്കിടയിലുള്ള കാലയളവിൽ, പരിവർത്തനാടിസ്ഥാനത്തിൽ കൃഷി ചെയ്യുന്ന പച്ചക്കറികൾ, പയറുവർഗ്ഗങ്ങൾ, വാഴ, മത്സ്യം എന്നിവപോലെയുള്ള, ഹ്രസ്വകാലവിള എന്നർത്ഥമാകുന്നു;

ട്ടുണ്ട്. നെൽവയൽ നാണ്യവിളത്തോട്ടങ്ങളായി പരിവർത്തനപ്പെടുത്തുന്നതുകൊണ്ട്, കേരളത്തിൽ ഉടനീളമുള്ള നെൽവയലുകൾ കടുത്ത ഭീഷണി നേരിടുന്നു. പുതിയ നിർമ്മാണങ്ങൾക്കുവേണ്ടി ചതുപ്പുകളും നികത്തപ്പെടുന്നു. സ്ഥിരമായ നെൽക്കൃഷി സാമ്പത്തികമായി വിജയപ്രദമല്ലെന്ന് ഭൂരിപക്ഷം ഭൂവുടമകളും കരുതുകയും കൂടുതൽ ആദായകരമായ വിളകളിലേക്കും കൃഷിരീതികളിലേക്കും മാറുന്നതിന് മോഹിക്കുകയും ചെയ്യുന്നു. നെൽവയൽ നികത്തുന്നതിന്, നീർത്തടമേഖലയുടെ പാരിസ്ഥിതിക അപചയത്തിനും മണ്ണിന്റെ ഫലഭൂയിഷ്ഠതയെ പ്രതികൂലമായി ബാധിക്കുന്നതായ ജൈവസമ്പുഷ്ടതക്കുറവിനും വ്യാപകമായ മണ്ണൊലിപ്പിനും കിണറുകളിലേക്കും കുളങ്ങളിലേക്കും മറ്റും ജലനിരപ്പ് താഴുന്നതിനും ഇടയാക്കിയിട്ടുണ്ട്. പരിസ്ഥിതിഘടനയുടെ സഹജസ്വഭാവം വീണ്ടെടുക്കാനാവാത്തവിധം എന്നെന്നേക്കുമായി നഷ്ടപ്പെടുന്നതുവഴി ഉണ്ടാകുന്ന യഥാർത്ഥനഷ്ടം സമൂഹത്തിനാണ്. കർഷകത്തൊഴിലാളികൾക്കും ഗ്രാമീണവനിതകൾക്കും നേരിട്ടും നേരിട്ടല്ലാതെയും തൊഴിൽനഷ്ടം ഉണ്ടാക്കുന്നതിനും ഇത് ഇട വരുത്തുന്നു. ഇപ്പോഴത്തേക്കാളധികം കടുത്ത ജലക്ഷാമം ദരിദ്രരായ ഗ്രാമീണർക്ക് അനുഭവിക്കേണ്ടതായിവരും. നെൽവയലിലും ചുറ്റുവട്ടത്തിൽനിന്നും ലഭ്യമായിരുന്ന പോഷകസമ്പുഷ്ടവും വില കുറവുള്ളതുമായ ഭക്ഷ്യപദാർത്ഥങ്ങളുടെ ലഭ്യത അവർക്ക് നഷ്ടമാകും. വിഭവനഷ്ടത്തിന്റെ യഥാർത്ഥമൂല്യത്തെയും ഉപജീവനനിലവാരത്തിൽ ഉണ്ടാക്കുന്ന പരിണതഫലത്തേയും പ്രശ്നത്തിന്റെ രൂക്ഷതയേയും സംബന്ധിച്ച് ഭൂരിപക്ഷം പേരും അജ്ഞരാണ്. നിലവിലുള്ള രീതി തുടർന്നുപോയാൽ സമീപഭാവിയിൽത്തന്നെ അവശേഷിക്കുന്ന നെൽപ്പാടങ്ങൾക്കൂടി അപ്രത്യക്ഷമാകുന്നതിനുള്ള സാദ്ധ്യത വളരെ കൂടുതലാണ്.

2. സമൂഹത്തിന്റെ മാനവരാശിയുടെയും പൊതുതാൽപ്പര്യാർത്ഥം നെൽവയലുകൾ സംരക്ഷിക്കപ്പെടേണ്ടതാണ്. നീർത്തടങ്ങളുടെ പരിസ്ഥിതിധർമ്മം നിലനിർത്തിക്കൊണ്ടുതന്നെ കൃഷിയിറക്കാവുന്ന ഒരു ഉഭയവിളയാണ് നെല്ല് എന്നതിനാൽ നെൽക്കൃഷി എന്തുവിലകൊടുത്തും സംരക്ഷിക്കുകയും പ്രോത്സാഹിപ്പിക്കുകയും ചെയ്യേണ്ടതാണ്.

3. അതുപോലെ, നീർത്തടങ്ങൾ കരഭൂമിയുടെയും ജലാശയത്തിന്റെയും സവിശേഷതകൾ ഉൾക്കൊള്ളുന്നതു കൊണ്ട് അവയ്ക്ക് ഭൂമിയിലെ ഏറ്റവും വൈവിധ്യമാർന്ന പരിസ്ഥിതിഘടനയുള്ളവയാണ്. നീർത്തടങ്ങളിലുള്ള വിവിധ സസ്യവർഗ്ഗങ്ങൾ വിവിധ ജന്തുസമൂഹങ്ങൾക്ക് വാസസ്ഥലം പ്രദാനം ചെയ്യുന്നു. സൂക്ഷ്മജീവികൾക്കും നട്ടെല്ലില്ലാത്ത ജന്തുക്കൾക്കും പുറമേ നീർത്തടങ്ങളിൽ ഉരഗങ്ങളും സർവ്വസാധാരമാണ്. പല ഉഭയജീവികളുടെയും ജീവിതചക്രത്തിന്റെ ഒരു ഘട്ടമെങ്കിലും ജലത്തിലാണ് ജീവിക്കുന്നത്. വളരെയധികം മത്സ്യവർഗ്ഗങ്ങൾക്ക് മുട്ടയിടുന്നതിനും തീറ്റതേടുന്നതിനും പ്രകൃത്യാ ഉള്ള ശത്രുക്കാളിൽനിന്നും രക്ഷനേടുന്നതിനും നീർത്തട ആവാസവ്യവസ്ഥ ആവശ്യമാണ്. ഭക്ഷ്യവിഭവസമൃദ്ധി കൊണ്ടും കൂടുകൂട്ടുന്നതിനും വിശ്രമസങ്കേതത്തിനും ഇരതേടുന്നതിനുംവേണ്ടി പക്ഷികൾ നീർത്തടങ്ങളിലേക്ക് ആകർഷിക്കപ്പെടുന്നു. ജലം സംഭരിക്കുകയും വെള്ളപ്പൊക്കത്തിന്റെ കാഠിന്യം കുറയുമ്പോൾ താഴ്ന്ന പ്രദേശങ്ങളിലേക്ക് സാവധാനം ഊർന്നിറങ്ങുകവഴി ഉൾനാടൻ നീർത്തടങ്ങൾ വെള്ളപ്പൊക്കം നിയന്ത്രിക്കുന്നു.

4. കേരളത്തിൽ, ആകെയുള്ള നീർത്തടങ്ങളുടെ വിസ്തൃതി 1,27,930 ഹെക്ടറാണ്. ഇതിൽ 34,200 ഹെക്ടർ പ്രദേശം ഉൾനാടൻനീർത്തടവും 93,370 ഹെക്ടർ സമുദ്രതീരനീർത്തടങ്ങളാണ്. നമുക്ക് വയനാട് ജില്ലയിലെ പൂക്കോട്ടും കൊല്ലം ജില്ലയിലെ ശാസ്താംകോട്ടയിലും തിരുവനന്തപുരംജില്ലയിലെ വെള്ളാണിയിലുമായി മൂന്നു ശുദ്ധജലതടാകങ്ങളാണുള്ളത്. കൃഷിക്കും അധിവാസത്തിനും വ്യവസായത്തിനും മറ്റുപല ആവശ്യങ്ങൾക്കുംവേണ്ടി, ശുദ്ധജലതടാകങ്ങൾ ഉൾപ്പെടെയുള്ള നീർത്തടങ്ങൾ വറ്റിക്കുകയും നികത്തുകയും രൂപാന്തരപ്പെടുത്തുകയും ചെയ്യുന്നതുമൂലം അവയെല്ലാം രൂക്ഷമായ ഭീഷണി നേരിടുകയാണ്. ഈ നടപടി തീർച്ചയായും പാരിസ്ഥിതിക സന്തുലിതാവസ്ഥ തകിടംമറിക്കുമെന്നും ജലക്ഷാമത്തിനും അനവരതമായ ജലസ്രോതസ്സുകൾ വളരുന്നതിനും ശുദ്ധജലം ലഭ്യമായ കിണറുകളിൽ ഉപ്പുരസം കലരുന്നതിനും ഇടവരുത്തും.

5. അതിനാൽ, കേരളത്തിൽ നെൽവയലുകളും സംരക്ഷിക്കുകയും അവ പരിവർത്തനപ്പെടുത്തുകയും രൂപാന്തരപ്പെടുത്തുകയും ചെയ്യുന്നത് നിയന്ത്രിക്കുന്നതിനും ആവശ്യമായ വിവിധവശങ്ങൾ ഉൾപ്പെടുത്തിക്കൊണ്ട് ഒരു പുതിയ നിർമ്മാണം നടത്തുന്നതിന് ഉദ്ദേശിക്കുന്നു.

6. **നെൽവയലും നീർത്തടങ്ങളും സംരക്ഷിക്കുന്നതിനും നിയമവിരുദ്ധവും വ്യാപകവുമായി നെൽവയലും നീർത്തടങ്ങളും രൂപാന്തരപ്പെടുത്തുന്നതും നെൽവയലിൽനിന്നും അനിയന്ത്രിതമായി ചെളി കുഴിച്ചെടുക്കുന്നത് നിയന്ത്രിക്കുന്നതിനും സംസ്ഥാനത്തിന്റെ പാരിസ്ഥിതിക അവസ്ഥ പൊതുവായി മെച്ചപ്പെടുത്തുന്നതിനും ഇത് അവസരമൊരുക്കും.**
ഈ ലക്ഷ്യങ്ങൾ നിറവേറ്റുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ ബിൽ.

(x) "കുടുംബശ്രീ യൂണിറ്റുകൾ", എന്നാൽ സർക്കാരിന്റെ സംസ്ഥാന ദാരിദ്ര്യനിർമ്മാർജ്ജന പദ്ധതിയിൻകീഴിൽ പ്രവർത്തിക്കുന്ന കുടുംബശ്രീ യൂണിറ്റുകൾ എന്നർത്ഥമാകുന്നതും അതിൽ സ്വയംസഹായസംഘങ്ങൾ ഉൾപ്പെടുന്നതുമാകുന്നു.

(xi) "തദ്ദേശസ്ഥാപനം" എന്നാൽ 1994-ലെ കേരള പഞ്ചായത്ത്രാജ് ആക്റ്റിൽ (1994-ലെ 13) നിർവ്വചിച്ച പ്രകാരമുള്ള ഒരു പഞ്ചായത്ത് എന്നോ 1994-ലെ കേരള മുനിസിപ്പാലിറ്റി ആക്റ്റിൽ (1994-ലെ 20) നിർവ്വചിച്ചപ്രകാരമുള്ള ഒരു മുനിസിപ്പാലിറ്റി എന്നോ അർത്ഥമാകുന്നു;

(xii) "നെൽവയൽ" എന്നാൽ സംസ്ഥാനത്ത് സ്ഥിതിചെയ്യുന്നതും വർഷത്തിൽ ഒരു പ്രാവശ്യമെങ്കിലും നെൽക്കൃഷി ചെയ്യുന്നതോ അല്ലെങ്കിൽ നെൽക്കൃഷിക്കനുയോജ്യമായതും എന്നാൽ കൃഷി ചെയ്യാതെ തരിശിട്ടിരിക്കുന്നതോ ആയ എല്ലാത്തരം നിലവും എന്നർത്ഥമാകുന്നതും അതിൽ അതിന്റെ അനുബന്ധനിർമ്മിതികളായ ചിറകളും ജലനിർഗ്ഗമന ചാലുകളും കുളങ്ങളും കൈത്തോടുകളും ഉൾപ്പെടുന്നതുമാകുന്നു.

(xiii) "പാടശേഖര സമിതി" എന്നാൽ നെല്ലിന്റെയും അനുബന്ധവിളകളുടെയും, കൃഷി പ്രോത്സാഹിപ്പിക്കുക എന്ന ഉദ്ദേശ്യലക്ഷ്യത്തോടുകൂടി, തത്സമയം പ്രാബല്യത്തിലുള്ള ഏതെങ്കിലും നിയമപ്രകാരം രജിസ്റ്റർ ചെയ്തിട്ടുള്ള ഒരു കർഷകസംഘടന എന്നർത്ഥമാകുന്നു;

(xiv) "പൊതു ആവശ്യം" എന്നാൽ കേന്ദ്ര-സംസ്ഥാന സർക്കാരുകൾ, സർക്കാർ-അർദ്ധ സർക്കാർ സ്ഥാപനങ്ങൾ, തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾ, നിയമപ്രകാരം രൂപീകരിച്ചിട്ടുള്ള നികായങ്ങൾ എന്നിവ നേരിട്ട് നടത്തുന്നതോ സാമ്പത്തികസഹായം നല്കുന്നതോ ആയ പദ്ധതികളുടെയും സർക്കാർ കാലാകാലങ്ങളിൽ നിശ്ചയിക്കുന്ന മറ്റു പദ്ധതികളുടെയും ആവശ്യം എന്നർത്ഥമാകുന്നു;

(xv) "രൂപാന്തരപ്പെടുത്തൽ" എന്നാൽ ഈ ആക്റ്റിൽ നിർവ്വചിച്ച പ്രകാരമുള്ള നെൽവയലോ തണ്ണീർത്തടമോ ഏതെങ്കിലും പ്രവൃത്തിയോ തുടർപ്രവൃത്തികളോമൂലം, സ്ഥിരമായും സാധാരണ മാർഗ്ഗങ്ങളിലൂടെ പൂർവ്വസ്ഥിതിയിൽ ആക്കാൻ സാദ്ധ്യമല്ലാത്തതുമായ വിധത്തിൽ രൂപാന്തരപ്പെടുത്തുക എന്നർത്ഥമാകുന്നു;

(xvi) "സംസ്ഥാനം" എന്നാൽ കേരളസംസ്ഥാനം എന്നർത്ഥമാകുന്നു;

(xvii) "സംസ്ഥാനതല സമിതി" എന്നാൽ 8-ാം വകപ്പുപ്രകാരം രൂപീകരിക്കുന്ന സംസ്ഥാനതല സമിതി എന്നർത്ഥമാകുന്നു;

(xviii) "തണ്ണീർത്തടം" എന്നാൽ മണ്ണ് ജലപൂരിതമാക്കിക്കൊണ്ട്, കരപ്രദേശത്തിനും ജലാശയങ്ങൾക്കും ഇടയിൽ സ്ഥിതിചെയ്യുന്നതും, ജലനിരപ്പ് സാധാരണഗതിയിൽ ഉപരിതലം വരെയോ അതിനോടടുത്തോ ആയിരിക്കുകയോ ആഴംകുറഞ്ഞജലത്താൽ മൂടിക്കിടക്കുകയോ അഥവാ മന്ദഗതിയിൽ ചലിക്കുകയോ കെട്ടിക്കിടക്കുകയോ ചെയ്യുന്ന ജലത്തിന്റെ സാന്നിദ്ധ്യംകൊണ്ട് സവിശേഷമാകുകയോ ചെയ്യുന്ന സ്ഥലം എന്നർത്ഥമാകുന്നതും അതിൽ കായലുകൾ, അഴിമുഖങ്ങൾ, ചേറ്റുപ്രദേശങ്ങൾ, കടലോരക്കായലുകൾ, കണ്ടൽക്കാടുകൾ, ചതുപ്പുനിലങ്ങൾ, ഓരുള്ള ചതുപ്പ് നിലങ്ങൾ, ചതുപ്പിലെ കാടുകൾ എന്നിവ ഉൾപ്പെടുന്നതും, നെൽവയലുകളും നദികളും ഉൾപ്പെടാത്തതുമാകുന്നു;

(xix) "വർഷം" എന്നാൽ ഒരു മലയാളവർഷം എന്നർത്ഥമാകുന്നു.

3. **നെൽവയൽ പരിവർത്തനപ്പെടുത്തുകയോ രൂപാന്തരപ്പെടുത്തുകയോ ചെയ്യുന്നതിനുള്ള വിലക്ക്.**- (1) ഈ ആക്റ്റ് പ്രാബല്യത്തിൽ വരുന്ന തീയതിയിലും അന്നുമുതൽക്കും ഏതെങ്കിലും നെൽവയലിന്റെ ഉടമസ്ഥനോ അധിവാസിയോ കൈവശക്കാരനോ, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്കനുസൃതമായല്ലാതെ, പ്രസ്തുത നെൽവയൽ പരിവർത്തനപ്പെടുത്തുന്നതിനോ രൂപാന്തരപ്പെടുത്തുന്നതിനോ ഉള്ള യാതൊരു പ്രവൃത്തിയും ചെയ്യാൻ പാടുള്ളതല്ല.

(2) (1)-ാം ഉപവകുപ്പിൽ അടങ്ങിയിരിക്കുന്ന യാതൊന്നുംതന്നെ, പ്രസ്തുത നെൽവയലിന്റെ പാരിസ്ഥിതികസ്വഭാവത്തിന് മാറ്റം വരുത്താതെ കൃഷി ചെയ്യുന്ന ഏതെങ്കിലും ഇടക്കാല വിളയുടെ കൃഷിക്കോ കൃഷി സംരക്ഷിക്കുന്നതിനായി പുറംബണ്ടുകൾ ബലപ്പെടുത്തുന്നതിനോ ബാധകമാകുന്നതല്ല.

4. നെൽക്കൃഷിക്ക് പ്രോത്സാഹനം നൽകൽ.- (1) സംസ്ഥാനത്തെ നെല്ലുൽപ്പാദനം വർദ്ധിപ്പിക്കുന്നതിന് കർഷകരെ സഹായിക്കുന്നതിനുവേണ്ടി, സർക്കാർ, കാലാകാലങ്ങളിൽ, ഉചിതമായ നടപടികൾ സ്വീകരിക്കേണ്ടതാണ്.

5. പ്രാദേശികതല നിരീക്ഷണ സമിതിയുടെ രൂപീകരണം.- (1) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നത് നിരീക്ഷിക്കുന്നതിലേക്കായി, ഓരോ ഗ്രാമപഞ്ചായത്തിലും അഥവാ മുനിസിപ്പാലിറ്റിയിലും, (2)-ാം ഉപവകുപ്പിൽ പറയുന്ന അംഗങ്ങൾ അടങ്ങിയ ഒരു പ്രാദേശികതല നിരീക്ഷണസമിതി ഉണ്ടായിരിക്കുന്നതാണ്.

(2) സമിതിയുടെ ഘടന താഴെപ്പറയും പ്രകാരമായിരിക്കുന്നതാണ്.

(i) അതതു സംഗതിപോലെ, ഗ്രാമപഞ്ചായത്തിന്റെ അഥവാ മുനിസിപ്പാലിറ്റിയുടെ, അഥവാ കോർപ്പറേഷന്റെ പ്രസിഡന്റ് അഥവാ ചെയർപേഴ്സൺ/മേയർ-ചെയർമാൻ;

(ii) ഗ്രാമപഞ്ചായത്ത് അഥവാ മുനിസിപ്പൽ/കോർപ്പറേഷൻ പ്രദേശത്ത് അധികാരിതയുള്ള കൃഷി ആഫീസർ/ആഫീസർമാർ-അംഗം/അംഗങ്ങൾ;

(iii) പ്രസ്തുത പ്രദേശത്ത് അധികാരിതയുള്ള വില്ലേജ് ആഫീസർ/ആഫീസർമാർ-അംഗം/അംഗങ്ങൾ;

(iv) പഞ്ചായത്ത്/മുനിസിപ്പൽ/കോർപ്പറേഷൻ പ്രദേശത്തെ നെൽക്കൃഷിക്കാരുടെ നിർണ്ണയിക്കപ്പെടുന്ന രീതിയിൽ നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്ന മൂന്ന് പ്രതിനിധികൾ;

കൃഷി ആഫീസർ പ്രാദേശികതല നിരീക്ഷണസമിതിയുടെ കൺവീനർ ആയിരിക്കുന്നതാണ്.

(3) സമിതിക്ക് താഴെപ്പറയുന്ന അധികാരങ്ങൾ ഉണ്ടായിരിക്കുന്നതാണ്, അതായത്:-

(i) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്ക് വിധേയമായി, പൊതു ആവശ്യങ്ങൾക്കോ നെൽവയലിന്റെ ഉടമസ്ഥർക്ക് വീട് വയ്ക്കുന്നതിനോ വേണ്ടി, നെൽവയൽ രൂപാന്തരപ്പെടുത്തുന്നതിന്, അതതു സംഗതിപോലെ, സംസ്ഥാനതല സമിതിക്കോ ജില്ലാതല അധികൃതസമിതിക്കോ ശുപാർശ നല്കുക:

എന്നാൽ, നെൽവയലിന്റെ ഉടമസ്ഥന് വീടു വയ്ക്കുന്നതിനുവേണ്ടി, അതതു സംഗതിപോലെ, പഞ്ചായത്തിൽ പത്തും മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷനിൽ അഞ്ചും സെന്റിൽ കൂടുതൽ നെൽവയൽ നികത്തുന്നതിന് സമിതി ശുപാർശ ചെയ്യുവാൻ പാടുള്ളതല്ല;

(ii) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ പാലിക്കപ്പെടുന്നുണ്ടോ എന്ന് നിരീക്ഷിക്കുന്നതിനായി, സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ നെൽവയലുകൾ സന്ദർശിക്കുകയും ആക്റ്റിലെ വ്യവസ്ഥകളുടെ ലംഘനം, ഏതെങ്കിലും ഉണ്ടെങ്കിൽ, റവന്യൂ ഡിവിഷണൽ ആഫീസർക്ക് റിപ്പോർട്ട് നല്കുകയും ചെയ്യുക;

(iii) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ലംഘിക്കുന്നതിന് ശ്രമങ്ങൾ നടക്കുന്നത് സംബന്ധിച്ച് പൊതുജനങ്ങളിൽനിന്നും ലഭിക്കുന്ന പരാതികൾ പരിശോധിക്കുകയും അപ്രകാരമുള്ള ലംഘനം തടയുന്നതിനായി ആ പ്രശ്നത്തിൽ ഇടപെടുകയും ചെയ്യുക;

(iv) നെൽവയൽ തരിശിട്ടിരിക്കുന്നതിന്റെ കാരണം സംബന്ധിച്ച് അന്വേഷണം നടത്തുകയും നെൽവയലിന്റെ അനുഭവക്കാരന് നെല്ലോ ഏതെങ്കിലും ഇടക്കാലവിളയോ കൃഷിചെയ്യുന്നതിന് പ്രേരണ നൽകുന്നരീതിയിൽ ഉചിതമായ പരിഹാരനടപടികൾ നിർദ്ദേശിക്കുകയും ചെയ്യുക;

(4) സമിതി താഴെപ്പറയുന്ന ചുമതലകൾ നിർവ്വഹിക്കേണ്ടതാണ് അതായത്:-

(i) സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ കൃഷിയോഗ്യമായ നെൽവയലിന്റെയും തണ്ണീർത്തടത്തിന്റെയും വിശദവിവരം ഉപഗ്രഹചിത്രത്തിന്റെ അടിസ്ഥാനത്തിൽ സംസ്ഥാന ഭൂവിനിയോഗബോർഡോ കേന്ദ്ര-സംസ്ഥാന ശാസ്ത്രസാങ്കേതിക സ്ഥാപനങ്ങളോ തയ്യാറാക്കിയിട്ടുള്ളതോ തയ്യാറാക്കുന്നതോ ആയ ഭൂപടങ്ങളുടെ സഹായത്തോടെ ഡേറ്റാ ബാങ്ക് തയ്യാറാക്കുകയും സർവ്വേ നമ്പരും വിസ്തൃതിയും രേഖപ്പെടുത്തിയിട്ടുള്ള ഡേറ്റാ ബാങ്ക് അതതു പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ മുഖേന നിർണ്ണയിക്കപ്പെടുന്ന രീതിയിൽ വിജ്ഞാപനം ചെയ്തിച്ചശേഷം അത് പൊതുജനങ്ങളുടെ അറിവിലേക്ക് ബന്ധപ്പെട്ട പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ ആഫീസിലും, വില്ലേജ് ആഫീസിലും/ഓഫീസുകളിലും പ്രദർശിപ്പിക്കുകയും ചെയ്യുക;

(ii) (3)-ാം ഉപവകുപ്പ് (iv)-ാം ഇനം അനുസരിച്ച് സമിതി നല്കുന്ന നിർദ്ദേശങ്ങൾപ്രകാരം നടപടിയുണ്ടാകാതെ ഏതെങ്കിലും വയൽ തരിശിട്ടിരിക്കുന്നുവെങ്കിൽ 16-ാം വകുപ്പുപ്രകാരം പകരം സംവിധാനം ഏർപ്പെടുത്തുക;

(iii) സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ നെൽവയലുകൾ/തണ്ണീർത്തടങ്ങൾ സംരക്ഷിക്കുന്നതിലേക്ക്, വിശദമായ മാർഗ്ഗനിർദ്ദേശങ്ങൾ തയ്യാറാക്കുക;

(iv) സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്ത്, ഈ ആക്റ്റ് നിലവിൽവന്ന തീയതിക്കുമുമ്പ്, തത്സമയം പ്രാബല്യത്തിലുള്ള നിയമത്തിലെ വ്യവസ്ഥകൾക്ക് വിരുദ്ധമായി രൂപാന്തരപ്പെടുത്തിയിട്ടുള്ള നെൽവയലുകളെ സംബന്ധിച്ച് വിവരങ്ങൾ സമാഹരിച്ച് റവന്യൂ ഡിവിഷണൽ ആഫീസർക്ക് റിപ്പോർട്ട് നല്കുക;

(v) കാലാകാലങ്ങളിൽ നിർണ്ണയിക്കുന്ന പ്രകാരമുള്ള മറ്റു ചുമതലകൾ നിർവ്വഹിക്കുക.

(5) സമിതിയുടെ യോഗത്തിനുള്ള കാറം മൂന്ന് ആയിരിക്കുന്നതും അത് ആവശ്യമുള്ളപ്പോഴൊക്കെ യോഗം ചേരേണ്ടതും യോഗത്തിനുള്ള സ്ഥലം അതതു സ്ഥലത്തെ പഞ്ചായത്ത് ഓഫീസ് ആയിരിക്കേണ്ടതും സമയം ചെയർമാൻ തീരുമാനിക്കേണ്ടതുണ്ട്.

(6) സമിതിയോഗത്തിനുള്ള നടപടിക്രമം അതിനുതന്നെ തീരുമാനിക്കാവുന്നതും പങ്കെടുക്കുന്ന ഓരോ ആളും ഒപ്പിട്ട ശരിയായ മിനിട്ട്സ് അതതു കൃഷി ഓഫീസർ സൂക്ഷിക്കേണ്ടതുമാണ്.

6. പ്രാദേശികതല നിരീക്ഷണസമിതിയുടെ കാലാവധിയും ബന്ധപ്പെട്ട മറ്റു കാര്യങ്ങളും.- (1) പ്രാദേശികതല നിരീക്ഷണസമിതിയിലെ അനൗദ്യോഗിക അംഗങ്ങളുടെ കാലാവധി അതിന്റെ രൂപീകരണത്തീയതി മുതൽ മൂന്നു വർഷമായിരിക്കുന്നതാണ്. എന്നാൽ ഒരു സമിതിയുടെ കാലാവധി അവസാനിച്ചശേഷം അടുത്ത സമിതി രൂപീകരിക്കുന്നതുവരെ അതിലെ അനൗദ്യോഗിക അംഗങ്ങൾക്ക് ഉദ്യോഗത്തിൽ തുടരാവുന്നതാണ്.

(2) ഒരു അനൗദ്യോഗിക അംഗത്തിന് എപ്പോൾ വേണമെങ്കിലും സ്വന്തം കൈയ്യക്ഷരത്തിൽ രേഖാമൂലം എഴുതിക്കൊടുത്തുകൊണ്ട് സ്ഥാനം രാജിവയ്ക്കാവുന്നതാണ്.

7. റിപ്പോർട്ടിംഗ് ഓഫീസർമാർ.- (1) തങ്ങളുടെ അധികാരിതയ്ക്കുള്ളിൽപ്പെട്ട പ്രദേശത്തെ നെൽവയലിനെ സംബന്ധിച്ച് കൃഷി ആഫീസർമാർ, റിപ്പോർട്ടിങ്ങ് ആഫീസർമാർ ആയിരിക്കുന്നതും, ആക്റ്റിലെ വ്യവസ്ഥകൾ ലംഘിച്ചുകൊണ്ടുള്ള ഏതൊരു പ്രവൃത്തിയും സംബന്ധിച്ച് റവന്യൂ ഡിവിഷണൽ ആഫീസർമാർക്ക് റിപ്പോർട്ട് ചെയ്യേണ്ടത് അവരുടെ ഉത്തരവാദിത്തം ആയിരിക്കുന്നതു മാണ്. ഏതെങ്കിലും കാർഷികവേളയിൽ ഏതെങ്കിലും നെൽവയൽ തരിശിട്ടിരിക്കുന്നുവെങ്കിൽ ആ വിവരം കൂടി കൃഷി ആഫീസർ സമിതിയെ അറിയിക്കേണ്ടതാണ്.

(2) (1)-ാം ഉപവകുപ്പുപ്രകാരം ആക്റ്റിലെ വ്യവസ്ഥകളുടെ ലംഘനം സംബന്ധിച്ച് റിപ്പോർട്ട് നല്കുന്നതിൽ മനഃപൂർവ്വമായി വരുത്തുന്ന വീഴ്ച 23-ാം വകുപ്പുപ്രകാരം ശിക്ഷാർഹമായ ഒരു കുറ്റമായി കണക്കാക്കപ്പെടുന്നതാണ്.

8. സംസ്ഥാനതല സമിതിയുടെ രൂപീകരണം.- (1) സർക്കാർ, പൊതു ആവശ്യങ്ങൾക്കായി നെൽവയൽ നികത്തുന്നതിന്, സമിതി ശുപാർശ ചെയ്തിട്ടുള്ള അപേക്ഷകൾ വിശദപരിശോധന നടത്തി സർക്കാരിന് റിപ്പോർട്ട് നൽകുന്നതിലേക്കായി, ഒരു സംസ്ഥാനതല സമിതി രൂപീകരിക്കേണ്ടതാണ്.

(2) കാർഷികോൽപ്പാദന കമ്മീഷണർ, ലാന്റ് റവന്യൂ കമ്മീഷണർ, സർക്കാർ നാമനിർദ്ദേശം ചെയ്യുന്ന പരിസ്ഥിതിമേഖലയിലെ ഒരു വിദഗ്ദ്ധൻ, നെൽക്കൃഷി മേഖലയിലെ ഒരു ശാസ്ത്രജ്ഞൻ എന്നിവർ സംസ്ഥാനതല സമിതിയിലെ അംഗങ്ങൾ ആയിരിക്കുന്നതും, കാർഷികോൽപ്പാദന കമ്മീഷണർ അതിന്റെ കൺവീനർ ആയിരിക്കുന്നതുമാണ്.

(3) പൊതു ആവശ്യത്തിനായി നിലം നികത്തുന്നതിനോ പരിവർത്തനപ്പെടുത്തുന്നതിനോ പ്രാദേശികതല നിരീക്ഷണസമിതി ശുപാർശ ചെയ്തിട്ടുള്ള ഓരോ അപേക്ഷയും, സംസ്ഥാനതല സമിതി പരിശോധിച്ച്, ആ പ്രദേശത്ത്, നെൽവയൽ അല്ലാത്ത മറ്റൊരു സ്ഥലം ലഭ്യമാണോ എന്നും നെൽവയൽ നികത്തുന്നതുമൂലം ഉണ്ടാകാവുന്ന പാരിസ്ഥിതിക വ്യതിയാനങ്ങളെ സംബന്ധിച്ചും വിശദമായി പരിശോധന നടത്തി, സർക്കാരിന് റിപ്പോർട്ട് നല്കേണ്ടതാണ്.

9. ജില്ലാതല അധികൃതസമിതിയുടെ രൂപീകരണം.- (1) 3-ാം വകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും നെൽവയലിന്റെ ഉടമസ്ഥന് താമസിക്കുന്നതിന് വീടു വയ്ക്കുന്നതിനുവേണ്ടി നെൽവയൽ രൂപാന്തരപ്പെടുത്തുന്നതിനുള്ള അപേക്ഷ പരിഗണിക്കുന്നതിനും യുക്തമായ തീരുമാനം കൈക്കൊള്ളുന്നതിനുംവേണ്ടി കളക്ടർ ഓരോ ജില്ലയിലും, ജില്ലാതല അധികൃതസമിതി രൂപീകരിക്കേണ്ടതാണ്:

എന്നാൽ, വീട് വയ്ക്കുന്നതിന്, അതതു സംഗതിപോലെ, പഞ്ചായത്തിൽ പത്തും മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷനിൽ അഞ്ചും സെന്റിൽ കൂടുതൽ നെൽവയൽ നികത്തുന്നതിന് അനുവാദം നല്കിക്കൊണ്ടുള്ള യാതൊരു തീരുമാനവും ജില്ലാതല അധികൃതസമിതി എടുക്കുവാൻ പാടുള്ളതല്ല.

(2) ജില്ലാതല അധികൃതസമിതി റവന്യൂ ഡിവിഷണൽ ആഫീസർ, പ്രിൻസിപ്പൽ കൃഷി ആഫീസർ, കളക്ടർ നാമനിർദ്ദേശം ചെയ്യുന്ന മൂന്ന് നെൽക്കർഷകർ എന്നിവർ അടങ്ങിയതായിരിക്കുന്നതും റവന്യൂ ഡിവിഷണൽ ആഫീസർ അതിന്റെ അദ്ധ്യക്ഷനും പ്രിൻസിപ്പൽ കൃഷി ആഫീസർ കൺവീനറും ആയിരിക്കുന്നതുമാണ്:

എന്നാൽ, ഏതെങ്കിലും ജില്ലയിൽ ഒന്നിൽക്കൂടുതൽ റവന്യൂ ഡിവിഷണൽ ആഫീസർമാരുള്ള പക്ഷം അവരിൽ ഒരാളെ ജില്ലാതല അധികൃതസമിതിയിലേക്ക് കളക്ടർ നാമനിർദ്ദേശം ചെയ്യേണ്ടതാണ്.

(3) നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്ന അംഗങ്ങളുടെ കാലാവധി അവർ ഉദ്യോഗത്തിൽ പ്രവേശിക്കുന്ന തീയതി മുതൽ മൂന്നു വർഷമായിരിക്കുന്നതാണ്. എന്നാൽ, കാലാവധി തീർന്നശേഷവും അടുത്തുവരേണ്ട അംഗങ്ങളെ നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്നതുവരെ അവർക്ക് ഉദ്യോഗത്തിൽ തുടരാവുന്നതാണ്.

(4) നാമനിർദ്ദേശം ചെയ്യപ്പെട്ട അംഗങ്ങൾക്ക് സ്വന്തം കൈപ്പടയിലെഴുതിയ കത്ത് ജില്ലാ കളക്ടർക്ക് നല്കിക്കൊണ്ട് എപ്പോൾ വേണമെങ്കിലും സമിതിയിൽനിന്ന് രാജിവയ്ക്കാവുന്നതാണ്.

(5) ജില്ലാതല അധികൃതസമിതി, ലഭ്യമാകുന്ന ശുപാർശകളിൻമേൽ, ഒരു മാസത്തിനകം തീരുമാനം എടുക്കേണ്ടതാണ്.

(6) ജില്ലാതല അധികൃതസമിതിയുടെ തീരുമാനംമൂലം സങ്കടം അനുഭവിക്കുന്ന ഏതൊരാൾക്കും തീരുമാനം കൈപ്പറ്റി മുപ്പതുദിവസത്തിനകം കളക്ടർക്ക്, നിർണ്ണയിക്കപ്പെടുന്ന രീതിയിൽ അപ്പീൽ നല്കാവുന്നതാണ്.

(7) അപ്പീൽ ലഭിച്ച് ഒരു മാസത്തിനകം കളക്ടർ അതിൻമേൽ തീരുമാനം കൈക്കൊള്ളേണ്ടതും കളക്ടറുടെ തീരുമാനം അന്തിമമായിരിക്കുന്നതുമാണ്.

(8) (1)-ാം ഉപവകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും പ്രാദേശികതല നിരീക്ഷണ സമിതി,-

(i) അപ്രകാരമുള്ള രൂപാന്തരപ്പെടുത്തൽ, പാരിസ്ഥിതികവ്യവസ്ഥയേയും ചേർന്നുകിടക്കുന്ന നെൽവയലിലെ കൃഷിയേയും പ്രതികൂലമായി ബാധിക്കുകയില്ലെന്നും;

(ii) നെൽ വയലിന്റെ ഉടമസ്ഥനോ അയാളുടെ കുടുംബത്തിനോ ഈ ആവശ്യത്തിനു പറ്റിയ സ്ഥലം പകരം ആ ജില്ലയിൽ സ്വന്തമായി ഇല്ലെന്നും;

(iii) കെട്ടിടം നിർമ്മിക്കുന്നത് അയാളുടെ സ്വന്തം ആവശ്യത്തിന് വേണ്ടിയാണെന്നും;

(iv) പ്രസ്തുത നെൽവയൽ, മറ്റു നെൽവയലുകളാൽ ചുറ്റപ്പെട്ട് സ്ഥിതിചെയ്യുന്നതല്ലെന്നും;

ശുപാർശ ചെയ്താൽ അല്ലാതെ അപ്രകാരമുള്ള യാതൊരു അപേക്ഷയും ജില്ലാതല അധികൃതസമിതി പരിഗണിക്കുവാൻ പാടുള്ളതല്ല.

10. ഒഴിവാക്കിക്കൊടുക്കുന്നതിന് സർക്കാരിനുള്ള അധികാരം.- (1) 3-ാം വകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, സർക്കാരിന് അപ്രകാരമുള്ള പരിവർത്തനപ്പെടുത്തലോ രൂപാന്തരപ്പെടുത്തലോ പൊതു ആവശ്യത്തിന് അത്യന്താപേക്ഷിതമാണെങ്കിൽ, ഈ ആക്റ്റിലെ വ്യവസ്ഥകളിൽ നിന്നും ഒഴിവാക്കിക്കൊടുക്കാവുന്നതാണ്.

(2) പരിവർത്തനപ്പെടുത്തുന്നതിനോ രൂപാന്തരപ്പെടുത്തുന്നതിനോ പ്രാദേശികതല നിരീക്ഷണ സമിതി ശുപാർശചെയ്യുകയും, സംസ്ഥാനതല സമിതി നല്കുന്ന റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ പകരം മറ്റൊരു സ്ഥലം ലഭ്യമല്ലെന്നും അപ്രകാരമുള്ള പരിവർത്തനപ്പെടുത്തലോ, രൂപാന്തരപ്പെടുത്തലോ ചേർന്ന് കിടക്കുന്ന നെൽവയലിലെ നെൽക്കൃഷിയേയോ ആ പ്രദേശത്തെ പരിസ്ഥിതി വ്യവസ്ഥയേയോ ദോഷകരമായി ബാധിക്കുകയില്ലെന്നും സർക്കാരിന് ബോദ്ധ്യപ്പെടുകയും ചെയ്താലല്ലാതെ, (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള യാതൊരു ഒഴിവാക്കലും അനുവദിക്കാൻ പാടുള്ളതല്ല.

11. തണ്ണീർത്തടങ്ങൾ രൂപാന്തരപ്പെടുത്തുന്നതിനുള്ള വിലക്ക്.- ഈ ആക്റ്റിന്റെ പ്രാരംഭ തീയതിയിലും അന്നുമുതൽക്കും സംസ്ഥാനത്തെ തണ്ണീർത്തടങ്ങൾ അതേപോലെ കാത്തുസൂക്ഷിക്കേണ്ടതും അപ്രകാരമുള്ള തണ്ണീർത്തടങ്ങൾ രൂപാന്തരപ്പെടുത്തുന്നതിനും അവയിൽ നിന്നും മണൽ നീക്കം ചെയ്യുന്നതിനും പൂർണ്ണനിരോധനം ഉണ്ടായിരിക്കുന്നതുമാണ്:

എന്നാൽ, ഈ വകുപ്പിൽ പറയുന്ന യാതൊന്നുംതന്നെ പ്രസ്തുത തണ്ണീർത്തടത്തിന്റെ പരിസ്ഥിതിഘടന നിലനിർത്തുന്നതിനുവേണ്ടി എക്കലും ചെളിയും നീക്കം ചെയ്യുന്നതിന് ബാധകമാകുന്നതല്ല.

12. അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥരുടെ നിയമനവും അവരുടെ അധികാരങ്ങളും.- (1) സർക്കാരിന് ഔദ്യോഗ ഗസറ്റിലെ വിജ്ഞാപനം വഴി റവന്യൂ ഡിവിഷണൽ ഓഫീസറുടെ പദവിയിൽ താഴെയല്ലാത്തതായ, റവന്യൂവകുപ്പിലെ ഉദ്യോഗസ്ഥരെ അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന്മാരായി നിയമിക്കാവുന്നതും ഈ ആക്റ്റുപ്രകാരം അവരുടെ അധികാരങ്ങൾ വിനിയോഗിക്കാവുന്ന പ്രദേശം നിശ്ചയിച്ച് നല്കേണ്ടതുമാണ്.

(2) അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന്, ഈ ആക്റ്റിലെ ഏതെങ്കിലും വ്യവസ്ഥകൾ ലംഘിക്കപ്പെട്ടിട്ടുണ്ടോയെന്ന് പരിശോധിക്കുന്നതിനോ അല്ലെങ്കിൽ ഈ ആക്റ്റുപ്രകാരമുള്ള ഏതെങ്കിലും കുറ്റം ചെയ്യുന്നത് തടയുന്നതിനോ വേണ്ടി,-

(എ) ഈ ആക്റ്റുപ്രകാരം ആരോപിക്കപ്പെട്ടിട്ടുള്ള കുറ്റത്തിൻമേൽ പരിശോധനയോ അന്വേഷണമോ നടത്തുന്നതിന് ആവശ്യമെന്ന് അദ്ദേഹം കരുതുന്ന പ്രകാരമുള്ള സന്നാഹത്തോടെ, അതുമായി ബന്ധപ്പെട്ട ഏതു പരിസരത്തും അല്ലെങ്കിൽ ഏതു സ്ഥലത്തും പ്രവേശിക്കാവുന്നതും,

(ബി) ഈ ആക്റ്റിലെ 3-ാം വകുപ്പിനോ 11-ാം വകുപ്പിനോ വിരുദ്ധമായ ഏതൊരു പ്രവർത്തനവും നിർത്തിവയ്ക്കാൻ ഏതൊരു വ്യക്തിയോടും ആവശ്യപ്പെടാവുന്നതും;

(സി) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്കു വിരുദ്ധമായി ഉപയോഗിച്ചതോ ഉപയോഗിക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതോ ആയ ഏതെങ്കിലും യാനമോ അല്ലെങ്കിൽ വാഹനമോ മറ്റു വാഹനസൗകര്യങ്ങളോ അല്ലെങ്കിൽ ഏതെങ്കിലും ഉപകരണങ്ങളോ പിടിച്ചെടുക്കാവുന്നതും അവ കണ്ടുകെട്ടുന്നതിനുള്ള നടപടികൾ ആരംഭിക്കുന്നതിനായി, കളക്ടർക്ക് ഒരു റിപ്പോർട്ട് അയയ്ക്കേണ്ടതും;

(ഡി) അദ്ദേഹം ആവശ്യമാണെന്ന് കരുതുന്ന പ്രകാരമുള്ള വിവരം നല്കാൻ ഏതൊരു വ്യക്തിയോടും ആവശ്യപ്പെടാവുന്നതും;

(ഇ) ഫോട്ടോഗ്രാഫുകൾ എടുക്കുകയോ വസ്തുവിവരപ്പട്ടിക തയ്യാറാക്കുകയോ, കുറ്റം ചെയ്തു എന്നത് സംബന്ധിച്ച തെളിവ് ശേഖരണാർത്ഥം, ആവശ്യമായ മറ്റു കാര്യങ്ങളോ ചെയ്യാവുന്നതും പ്രതിയെ പ്രോസിക്യൂട്ട് ചെയ്യുന്നതിനായി അധികാരിതയുള്ള കോടതിക്ക് ഒരു റിപ്പോർട്ട് നല്കേണ്ടതുമാണ്.

(3) ഈ വകുപ്പുപ്രകാരം അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന് ഏതൊരു വ്യക്തിയോടും ഏതെങ്കിലും രേഖയോ സാധനമോ ഏതെങ്കിലും വിവരമോ ആവശ്യപ്പെട്ടാൽ അത്തരം ആൾ, 1860-ലെ ഇൻഡ്യൻ ശിക്ഷാനിയമസംഹിതയിലെ (1860-ലെ 45-ാം കേന്ദ്ര ആക്റ്റ്) 175-ഉം 176-ഉം വകുപ്പുകളുടെ അർത്ഥവ്യാപ്തിക്കുള്ളിൽ അങ്ങനെ ചെയ്യാൻ നിയമപരമായി ബാദ്ധ്യസ്ഥനായിരിക്കുന്നതാണ്.

(4) ഈ വകുപ്പുപ്രകാരം അധികാരപ്പെടുത്തിയ ഏതൊരു ഉദ്യോഗസ്ഥനും ഇൻഡ്യൻ ശിക്ഷാനിയമസംഹിതയിലെ (1860-ലെ 45-ാം കേന്ദ്ര ആക്റ്റ്) 21-ാം വകുപ്പിന്റെ അർത്ഥവ്യാപ്തിക്കുള്ളിൽ വരുന്ന ഒരു പബ്ലിക് സർവന്റ് ആയി കണക്കാക്കപ്പെടുന്നതാണ്.

(5) (1)-ാം ഉപവകുപ്പുപ്രകാരം അധികാരപ്പെടുത്തിയിട്ടുള്ള ഉദ്യോഗസ്ഥൻ, ഈ ആക്റ്റിലെ ലംഘനം സംബന്ധിച്ച് 7-ാം വകുപ്പുപ്രകാരം റിപ്പോർട്ടിങ് ആഫീസർ നൽകുന്ന റിപ്പോർട്ടിൻമേൽ

മേൽനടപടികൾ കൈക്കൊള്ളുന്നതിൽ വീഴ്ചവരുത്തിയാൽ അയാൾ 23-ാം വകുപ്പുപ്രകാരം ശിക്ഷാർഹമായ ഒരു കുറ്റം ചെയ്തതായി കണക്കാക്കപ്പെടുന്നതാണ്.

13. ജില്ലാ കളക്ടറുടെ അധികാരം.- ഈ ആക്റ്റിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, കളക്ടർക്ക്, ഈ ആക്റ്റ് പ്രകാരം എടുത്ത പ്രോസിക്യൂഷൻ നടപടിക്ക് ഭംഗംവരാതെ, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ലംഘിച്ചുകൊണ്ട് രൂപാന്തരപ്പെടുത്തിയ ഏതെങ്കിലും നെൽവയൽ പൂർവ്വ അവസ്ഥയിൽ കൊണ്ടുവരുന്നതിലേക്കായി, അദ്ദേഹത്തിന് ഉചിതമെന്നു തോന്നുന്ന പ്രകാരമുള്ള നടപടി കൈക്കൊള്ളാവുന്നതും, ഇതിലേക്കായി ചെലവഴിക്കേണ്ടിവന്ന തുക, അതതു സംഗതിപോലെ, പ്രസ്തുത നെൽവയലിന്റെ അനുഭവക്കാരനിൽനിന്നോ അധിവാസിയിൽനിന്നോ, അയാൾക്ക് പറയുവാനുള്ളത് പറയുവാൻ ന്യായമായ അവസരം നല്കിയശേഷം, ഈടാക്കാവുന്നതുമാണ്.

14. തദ്ദേശസ്ഥാപനം ലൈസൻസ് നിഷേധിക്കണമെന്ന്.- 1994-ലെ കേരള പഞ്ചായത്ത്‌രാജ് ആക്റ്റിലും (1994-ലെ 13) 1994-ലെ കേരള മുനിസിപ്പാലിറ്റി ആക്റ്റിലും (1994-ലെ 20) എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്കു വിരുദ്ധമായി പരിവർത്തനപ്പെടുത്തുകയോ രൂപാന്തരപ്പെടുത്തുകയോ ചെയ്തിട്ടുള്ള ഏതെങ്കിലും നെൽവയലിലോ തണ്ണീർത്തടത്തിലോ ഏതെങ്കിലും പ്രവൃത്തിയോ നിർമ്മാണമോ ചെയ്യുന്നതിനുള്ള യാതൊരു ലൈസൻസും യാതൊരു തദ്ദേശസ്ഥാപനവും നല്കുവാൻ പാടുള്ളതല്ല.

15. തരിശുനെൽവയൽ കൃഷി ചെയ്യാനുള്ള നിർദ്ദേശം.- സമിതിക്ക്, കൃഷിയിറക്കാതെ തരിശിട്ടിട്ടുള്ള ഏതെങ്കിലും നെൽവയലിന്റെ അനുഭവക്കാരനോട് അയാൾ നേരിട്ടോ, അയാളുടെ ഇഷ്ടാനുസരണം മറ്റേതെങ്കിലും ആൾ മുഖേനയോ, നെല്ലോ, ഈ ആക്ടിലെ വ്യവസ്ഥകൾ പ്രകാരമുള്ള മറ്റേതെങ്കിലും ഇടക്കാലവിളയോ, കൃഷിചെയ്യാൻ നിർദ്ദേശിക്കാവുന്നതാണ്.

16. തരിശു നെൽവയൽ കൃഷി ചെയ്യിക്കൽ.- (1) 15-ാം വകുപ്പുപ്രകാരം നല്കിയ നിർദ്ദേശം നടപ്പാക്കാൻ നെൽവയലിന്റെ അനുഭവക്കാരന് കഴിയാത്തത്, പ്രായോഗിക ബുദ്ധിമുട്ടുകൾ കൊണ്ടാണെന്ന്, അയാൾ നല്കിയ മറുപടിയിൽനിന്നും സമിതിക്ക് ബോദ്ധ്യമാകുന്നപക്ഷം, സമിതിക്ക് അയാളോട് പ്രസ്തുത നെൽവയൽ പഞ്ചായത്തു മുഖേന കൃഷി ചെയ്യിക്കുന്നതിനുള്ള അനുമതി രേഖാമൂലം ആവശ്യപ്പെടാവുന്നതാണ്.

(2) (1)-ാം ഉപവകുപ്പുപ്രകാരം സമിതിയുടെ കത്ത് ലഭിച്ചാൽ, മറുപടിയായി, നെൽവയലിന്റെ അനുഭവക്കാരൻ അനുമതി നല്കിക്കൊണ്ടോ അത് നിഷേധിച്ചുകൊണ്ടോ കഴിയുന്നത്രവേഗം രേഖാമൂലം മറുപടി നല്കേണ്ടതാണ്.

(3) നെൽവയലിന്റെ അനുഭവക്കാരൻ പ്രസ്തുത നെൽവയൽ കൃഷി ചെയ്യിക്കുന്നതിന് അനുമതി നല്കുന്നപക്ഷം, സമിതിക്ക് നിർണ്ണയിക്കപ്പെട്ട വ്യവസ്ഥകൾക്കു വിധേയമായി, അപ്രകാരമുള്ള ഫാറത്തിൽ പഞ്ചായത്തും നെൽവയലിന്റെ അനുഭവക്കാരനുമായി ഒരു കരാർ ഒപ്പിടുവിച്ചശേഷം, പ്രസ്തുത നെൽവയൽ കൃഷി ചെയ്യുന്നതിനോ കൃഷി ചെയ്യിപ്പിക്കുന്നതിനോ വേണ്ടി ഒരു നിശ്ചിതകാലയളവിലേക്ക് പഞ്ചായത്തിനെ ഏൽപ്പിക്കാവുന്നതാണ്.

(4) (3)-ാം ഉപവകുപ്പുപ്രകാരം പഞ്ചായത്തിനെ/മുനിസിപ്പാലിറ്റിയെ/കോർപ്പറേഷനെ ഏൽപ്പിച്ചിട്ടുള്ള നെൽവയൽ, അത് നേരിട്ട് കൃഷി ചെയ്യുന്നില്ലെങ്കിൽ അതിന്, (3)-ാം ഉപവകുപ്പിൽകീഴിൽ ഒപ്പിട്ട കരാറിലെ വ്യവസ്ഥകൾക്കു വിരുദ്ധമല്ലാത്തവിധം പ്രസ്തുത നെൽവയൽ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം, പരമാവധി രണ്ടു വർഷക്കാലയളവിലേക്ക് ലേലം ചെയ്തോ മറ്റുവിധത്തിലോ ഏൽപ്പിച്ചുകൊടുക്കുന്നതിന് ഉത്തരവ് പുറപ്പെടുവിക്കാവുന്നതും അതിനുള്ള ക്രമീകരണം ചെയ്യാവുന്നതുമാണ്.

(5) (4)-ാം ഉപവകുപ്പുപ്രകാരം പ്രസ്തുത നെൽവയൽ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം ഏൽപ്പിച്ചുകൊടുക്കുമ്പോൾ താഴെപ്പറയുന്ന പ്രകാരം മുൻഗണനാക്രമം പാലിക്കേണ്ടതാണ്, അതായത്:-

(i) പാടശേഖര സമിതികൾക്ക് അഥവാ സംയുക്ത കർഷകസംഘങ്ങൾക്ക്;

(ii) സ്വയംസഹായസംഘങ്ങൾക്ക്;

(iii) നെൽവയൽ സ്ഥിതിചെയ്യുന്ന ഗ്രാമപഞ്ചായത്ത് അഥവാ മുനിസിപ്പാലിറ്റിയിൽ പ്രവർത്തിക്കുന്ന കുടുംബശ്രീ യൂണിറ്റുകൾക്ക്.

(6) (4)-ഉം (5)-ഉം ഉപവകുപ്പുകൾ പ്രകാരം പ്രസ്തുത നെൽവയൽ കൃഷിചെയ്യാൻ അവകാശം ലഭിക്കുന്ന ആൾ പ്രസ്തുത നെൽവയൽ തിരിച്ചേൽപ്പിക്കുമ്പോൾ, കൃഷിയോഗ്യമല്ലാത്ത രീതിയിൽ അതിന്റെ ഘടനയിൽ മാറ്റം വരുത്തുവാൻ പാടില്ലാത്തതും അത് പരിവർത്തനപ്പെടുത്തുകയോ രൂപാന്തരപ്പെടുത്തുകയോ ചെയ്യാൻ പാടില്ലാത്തതുമാണ്.

(7) (4)-ാം ഉപവകുപ്പുപ്രകാരം, നെൽവയൽ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം സിദ്ധിച്ച ആൾ, പ്രസ്തുത നെൽവയലിന് കരാർപ്രകാരമുള്ള പ്രതിഫലം നെൽവയലിന്റെ അനുഭവക്കാരന് മുൻകൂറായി നൽകേണ്ടതും, ആ തുക കൃഷി ചെയ്യുന്നതിനു വേണ്ടിവന്ന ചെലവിന്റെ ഭാഗമായിരിക്കുന്നതുമാണ്.

(8) ഈ വകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും ഈ വകുപ്പുപ്രകാരമുള്ള നോട്ടീസ് ലഭിക്കാതെ തന്നെ, നെൽവയലിന്റെ ഒരു ഉടമസ്ഥന്, തന്റെ നെൽവയൽ സ്വന്തമായി കൃഷി ചെയ്യാൻ കഴിയുന്നില്ലെങ്കിൽ, അയാൾ ആഗ്രഹിക്കുന്നപക്ഷം, പ്രസ്തുത നെൽവയൽ കൃഷി ചെയ്യുന്നതിനായി പഞ്ചായത്തിനെ ഏൽപ്പിച്ചു കൊടുക്കാൻ സമിതിയോട് ആവശ്യപ്പെടാവുന്നതാണ്.

17. **ചില സംഗതികളിൽ അവകാശം ഏൽപ്പിച്ചുകൊടുത്ത ആളിനെ ഒഴിപ്പിക്കൽ.**- ഒരു നെൽവയൽ കൃഷിചെയ്യുന്നതിനുള്ള അവകാശം ഏൽപ്പിച്ചുകൊടുത്ത ആളിനെ, അതിൽ നെൽക്കൃഷിയോ ഈ ആക്റ്റിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള പ്രകാരമുള്ള മറ്റു വിളകളോ കൃഷി ചെയ്യുന്നതിനും അതിന്റെ വിളവെടുക്കുന്നതിനുമുള്ള, അവകാശമൊഴികെ, മറ്റു യാതൊരുവിധ അവകാശങ്ങളും ഉണ്ടായിരിക്കുന്നതല്ലാത്തതും, അതതു സംഗതിപോലെ അപ്രകാരമുള്ള അവകാശം അവസാനിപ്പിച്ച ശേഷമോ അയാൾ പ്രസ്തുത നെൽവയൽ കൈവശം വയ്ക്കുന്നത് തുടരുന്നപക്ഷം, അപ്രകാരം കാലാവധി തീരുമ്പോഴോ അല്ലെങ്കിൽ അവസാനിപ്പിക്കുമ്പോഴോ സത്വരമായി ഒഴിപ്പിക്കപ്പെടേണ്ടതുമാണ്.

18. **കളക്ടറുടെ പ്രത്യേക അധികാരം.**- ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾപ്രകാരം പുറപ്പെടുവിച്ചിട്ടുള്ള ഒരു ഉത്തരവ് നടപ്പിലാക്കുന്നതിനുവേണ്ടി, കളക്ടർക്ക്, അദ്ദേഹത്തിന്റെ അഭിപ്രായത്തിൽ ന്യായമെന്ന് തോന്നുന്ന നടപടികൾ എടുക്കുകയോ എടുപ്പിക്കുകയോ ചെയ്യാവുന്നതാണ്.

19. **പ്രവേശിക്കുന്നതിനും പിടിച്ചെടുക്കുന്നതിനുമുള്ള അധികാരം.**- (1) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ പാലിക്കുന്നുവെന്ന് ഉറപ്പാക്കുന്നതിനുവേണ്ടി റവന്യൂ വകുപ്പിലെ റവന്യൂ ഡിവിഷണൽ ആഫീസറുടെ പദവിയിൽ താഴെയല്ലാത്ത ഏതെങ്കിലും ഉദ്യോഗസ്ഥനോ സർക്കാർ ഇതിലേക്കായി അധികാരപ്പെടുത്തിയിട്ടുള്ള ഏതെങ്കിലും ഉദ്യോഗസ്ഥനോ അല്ലെങ്കിൽ സബ് ഇൻസ്പെക്ടറുടെ പദവിയിൽ താഴെയല്ലാത്ത ഏതെങ്കിലും പോലീസ് ഉദ്യോഗസ്ഥനോ ഏതെങ്കിലും പരിസരത്ത് പ്രവേശിക്കുകയും പരിശോധന നടത്തുകയും ചെയ്യാവുന്നതും ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്കു വിരുദ്ധമായ ഏതെങ്കിലും പ്രവർത്തനം നടത്തുന്നതിന് ഉപയോഗിച്ചതോ ഉപയോഗിച്ചതായി കരുതപ്പെടാവുന്നതോ ആയ ഏതെങ്കിലും യാനമോ വാഹനമോ മറ്റു വാഹനസൗകര്യമോ യന്ത്രോപകരണങ്ങളോ പിടിച്ചെടുക്കാവുന്നതും അത്തരം പിടിച്ചെടുക്കലിനെ സംബന്ധിച്ചുള്ള ഒരു റിപ്പോർട്ട്, അപ്രകാരം പിടിച്ചെടുത്ത നാല്പത്തിയെട്ട് മണിക്കൂറിനുള്ളിൽ പ്രോസിക്യൂഷൻ നടപടി ആരംഭിച്ചാലും ഇല്ലെങ്കിലും, ആ പ്രദേശത്ത് അധികാരിതയുള്ള കളക്ടർക്ക് നൽകേണ്ടതുമാണ്.

(2) ഈ ആക്റ്റുപ്രകാരമുള്ള പരിശോധന നടത്തലിനും പിടിച്ചെടുക്കലിനും, 1973-ലെ ക്രിമിനൽ നടപടി നിയമസംഹിതയിലെ (1974-ലെ 2-ാം കേന്ദ്ര ആക്റ്റ്), പരിശോധന നടത്തലും പിടിച്ചെടുക്കലും സംബന്ധിച്ച വ്യവസ്ഥകൾ, കഴിയാവുന്നിടത്തോളം, ബാധകമാകുന്നതാണ്.

20. **യാനങ്ങൾ, വാഹനങ്ങൾ മുതലായവ കണ്ടുകെട്ടൽ.**- (1) 12-ാം വകുപ്പുപ്രകാരമോ 19-ാം വകുപ്പുപ്രകാരമോ ഉള്ള പിടിച്ചെടുക്കൽ സംബന്ധിച്ച ഒരു റിപ്പോർട്ട് കളക്ടർക്ക് ലഭിച്ചാൽ അദ്ദേഹത്തിന് ഉചിതമെന്ന് തോന്നുന്നപക്ഷം പിടിച്ചെടുത്ത വസ്തുക്കൾ കണ്ടുകെട്ടാൻ ഉത്തരവിടാവുന്നതാണ്:

എന്നാൽ, അത് കണ്ടുകെട്ടുന്നതിനുപകരം, അപ്രകാരം പിടിച്ചെടുത്ത സാമഗ്രികളുടെ, ജില്ലാ കളക്ടർ നിശ്ചയിക്കുന്നപ്രകാരമുള്ള വിലയുടെ ഒന്നരമടങ്ങിന് തുല്യമായ തുക കെട്ടിവയ്ക്കുന്നതിനുള്ള സ്വാതന്ത്ര്യം അതിന്റെ ഉടമസ്ഥനോ അഥവാ സൂക്ഷിപ്പുകാരനോ നല്കേണ്ടതാണ്.

(2) (1)-ാം ഉപവകുപ്പുപ്രകാരം കണ്ടുകെട്ടിക്കൊണ്ടുള്ള യാതൊരു ഉത്തരവും, ജില്ലാകളക്ടർ, അതിന്റെ ഉടമസ്ഥന് പറയാനുള്ളത് പറയാനുള്ള ഒരവസരം നൽകിയിട്ടില്ലാതെ, പുറപ്പെടുവിക്കാൻ പാടുള്ളതല്ല.

(3) (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള യാതൊരു ഉത്തരവും, (2)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള നോട്ടീസ് നല്കിയതിൽ ഏതെങ്കിലും അപാകതയോ പിഴവോ സംഭവിച്ചു എന്ന കാരണത്താൽ മാത്രം, അതിലെ വ്യവസ്ഥകൾ തത്വത്തിൽ പാലിക്കപ്പെട്ടിട്ടുണ്ടെങ്കിൽ, അസാധുവാകുന്നതല്ല.

21. **കണ്ടുകെട്ടലിനെതിരെയുള്ള അപ്പീൽ.-** 20-ാം വകുപ്പുപ്രകാരം കണ്ടുകെട്ടിക്കൊണ്ടുള്ള ഒരു ഉത്തരവുമൂലം സങ്കടം അനുഭവിക്കുന്ന ഏതൊരാൾക്കും, പ്രസ്തുത ഉത്തരവ് സംബന്ധിച്ച് അയാൾക്ക് അറിയിപ്പ് നല്കിയ തീയതി മുതൽ മുപ്പതു ദിവസത്തിനകം, സാമഗ്രികൾ പിടിച്ചെടുത്ത പ്രദേശത്ത് അധികാരിതയുള്ള ജില്ലാകോടതി മുമ്പാകെ അപ്പീൽ ബോധിപ്പിക്കാവുന്നതും, ജില്ലാ ജഡ്ജി, കക്ഷികൾക്ക് പറയാനുള്ളത് പറയുവാൻ ന്യായമായ ഒരവസരം നൽകിയശേഷം, അപ്പീലിന് വിധേയമായ ഉത്തരവ് സ്വീകരിച്ചുകൊണ്ടോ ഭേദഗതി ചെയ്തുകൊണ്ടോ റദ്ദാക്കിക്കൊണ്ടോ ഉള്ള ഉത്തരവ് പുറപ്പെടുവിക്കേണ്ടതുമാണ്.

22. **കണ്ടുകെട്ടൽ നടപടി മറ്റു ശിക്ഷകളെ ബാധിക്കില്ലെന്ന്.-** ഈ ആക്റ്റിലെ വ്യവസ്ഥ പ്രകാരം കണ്ടുകെട്ടിക്കൊണ്ട് കളക്ടർ എടുത്ത നടപടി, അത് ബാധകമായ ആൾക്ക് ഈ ആക്റ്റിന് വിധേയമായി ശിക്ഷ നല്കുന്നതിന് ബാധിക്കുന്നതല്ല.

23. **ശിക്ഷ.-** ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്കു വിരുദ്ധമായി, 5-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം വിജ്ഞാപനം ചെയ്യപ്പെട്ട ഏതെങ്കിലും നെൽവയലോ അല്ലെങ്കിൽ തണ്ണീർത്തടമോ പരിവർത്തനപ്പെടുത്തുകയോ രൂപാന്തരപ്പെടുത്തുകയോ ചെയ്യുന്ന ഏതൊരാളും കുറ്റസ്ഥാപനത്തിൻമേൽ, ആറു മാസത്തിൽ കുറയാൻ പാടില്ലാത്തതും എന്നാൽ രണ്ട് വർഷം വരെ ആകാവുന്നതുമായ തടവും അമ്പതിനായിരം രൂപയിൽ കുറയാൻ പാടില്ലാത്തതും എന്നാൽ ഒരു ലക്ഷം രൂപവരെ ആകാവുന്നതുമായ പിഴയും നല്കി ശിക്ഷിക്കപ്പെടേണ്ടതാണ്.

24. **കമ്പനികൾ ചെയ്യുന്ന കുറ്റങ്ങൾ.-** (1) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ലംഘിക്കുന്ന വ്യക്തി ഒരു കമ്പനിയാണെങ്കിൽ, ആ ലംഘനം നടത്തിയ സമയത്ത് കമ്പനിയുടെ ചാർജ്ജ് വഹിച്ചിരുന്നതും, കമ്പനിയുടെ ബിസിനസ്സ് നടത്തുന്നതിൽ കമ്പനിയോട് ഉത്തരവാദിത്തമുണ്ടായിരുന്നതുമായ ഓരോ വ്യക്തിയും, ആ കമ്പനിയും ആ കുറ്റത്തിന് ഉത്തരവാദിയായി കരുതപ്പെടുന്നതും, അതനുസരിച്ച് നടപടിയെടുക്കപ്പെടുന്നതിനും ശിക്ഷിക്കപ്പെടുന്നതിനും വിധേയനായിരിക്കുന്നതുമാണ്:

എന്നാൽ, ലംഘനം നടന്നത് ഒരു ആളുടെ അറിവോടെയല്ലെന്നും, അല്ലെങ്കിൽ അയാൾ പ്രസ്തുത ലംഘനം തടയാൻ വേണ്ടത്ര ജാഗ്രത പുലർത്തിയിരുന്നുവെന്നും തെളിയിക്കുകയാണെങ്കിൽ, ഈ ഉപവകുപ്പിൽ അടങ്ങിയിരിക്കുന്ന യാതൊന്നുംതന്നെ അങ്ങനെയുള്ള ആളെ യാതൊരു ശിക്ഷയ്ക്കും വിധേയനാക്കുന്നതല്ല.

(2) (1)-ാം ഉപവകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, ഈ ആക്റ്റിൻകീഴിൽ ഒരു കമ്പനി ഒരു കുറ്റം ചെയ്തിരിക്കുകയും, കമ്പനിയിലെ ഏതെങ്കിലും ഡയറക്ടറുടെയോ മാനേജരുടെയോ സെക്രട്ടറിയുടേയോ കമ്പനിയിലെ മറ്റു ഉദ്യോഗസ്ഥന്റെയോ ഭാഗത്ത് ഏതെങ്കിലും ഉപേക്ഷ ആരോപിക്കപ്പെടാവുന്നതായ സമ്മതത്തോടോ മൗനാനുവാദത്തോടോ ആണ് ആ കുറ്റം ചെയ്തിട്ടുള്ളത് എന്ന് തെളിയിക്കുകയും ചെയ്തിട്ടുള്ളിടത്ത് പ്രസ്തുത ഡയറക്ടറോ മാനേജരോ സെക്രട്ടറിയോ അല്ലെങ്കിൽ മറ്റുദ്യോഗസ്ഥനോടുകൂടി ആ കുറ്റത്തിന് ഉത്തരവാദിയായി കരുതപ്പെടേണ്ടതും അതനുസരിച്ച് നടപടിക്ക് വിധേയനാക്കേണ്ടതും ശിക്ഷിക്കപ്പെടേണ്ടതുമാണ്.

വിശദീകരണം.- ഈ വകുപ്പിന്റെ ആവശ്യത്തിലേക്കായി,-

(എ) 'കമ്പനി' എന്നാൽ ഏതെങ്കിലും ഏകാംഗീകൃത നികായം എന്നർത്ഥമാകുന്നതും അതിൽ ഒരു ഫേമോ, വ്യക്തികളുടെ മറ്റു സമാജമോ ഉൾപ്പെടുന്നതും;

(ബി) ഒരു ഫേമിനെ സംബന്ധിച്ച ഡയറക്ടർ എന്നാൽ ആ ഫേമിന്റെ ഒരു പങ്കാളി എന്നർത്ഥമാകുന്നതുമാണ്.

25. **കുറ്റങ്ങൾ വിചാരണയ്ക്കെടുക്കൽ.**- ഈ ആക്റ്റുപ്രകാരം ശിക്ഷിക്കപ്പെടേണ്ടതായ യാതൊരു കുറ്റവും ചീഫ് ജൂഡീഷ്യൽ മജിസ്ട്രേറ്റ് കോടതിയുടെ പദവിയിൽ താഴെയുള്ള യാതൊരു കോടതിയും അപ്രകാരമുള്ള കുറ്റത്തിന് ഹേതുവായ വസ്തുതകൾ സംബന്ധിച്ച്, 12-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം അധികാരപ്പെടുത്തിയ ഒരു ആഫീസറുടെ രേഖാമൂലമുള്ള റിപ്പോർട്ടിൻമേലല്ലാതെയും വിചാരണയ്ക്കെടുക്കാൻ പാടുള്ളതല്ല.

26. **സിവിൽ കോടതികൾ നിരോധന ഉത്തരവ് മുതലായവ നല്കുന്നത്.**- ഈ ആക്റ്റോ അതിൻകീഴിൽ ഉണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളോ, വിജ്ഞാപനങ്ങളോ പ്രകാരം സർക്കാരോ അല്ലെങ്കിൽ ഈ ആക്റ്റുപ്രകാരം അധികാരപ്പെടുത്തിയ ഏതെങ്കിലും ഉദ്യോഗസ്ഥനോ ചെയ്തതോ, ചെയ്തതായി കരുതപ്പെടുന്നതോ ആയ ഏതെങ്കിലും ഒരു പ്രവൃത്തിയോ സംബന്ധിച്ച്, സർക്കാരിനോ അല്ലെങ്കിൽ ഈ ആക്റ്റിൻകീഴിൽ അധികാരപ്പെടുത്തിയിരിക്കുന്ന ഏതെങ്കിലും ഉദ്യോഗസ്ഥനോ എതിരായി, അതതു സംഗതിപോലെ, ഒരു നിരോധന ഉത്തരവോ അല്ലെങ്കിൽ മറ്റേതെങ്കിലും പരിഹാരത്തിനുള്ള ഉത്തരവോ, അപ്രകാരമുള്ള നിരോധന ഉത്തരവോ മറ്റു പരിഹാരമോ സംബന്ധിച്ച് നോട്ടീസ് നല്കിയിട്ടില്ലാത്തപക്ഷം, യാതൊരു സിവിൽ കോടതിയും നല്കുവാൻ പാടുള്ളതല്ല.

27. **സർക്കാരിന് കിട്ടേണ്ടതായ തുകകൾ ഭൂമിയിൽനിന്നുള്ള കരക്കുടിശ്ശികപോലെ വസൂലാക്കാവുന്നതാണെന്ന്.**- ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾപ്രകാരം സർക്കാരിന് കിട്ടേണ്ടതായ ഏതു തുകയും ഭൂമിയിന്മേലുള്ള നികുതികുടിശ്ശികയായി കണക്കാക്കേണ്ടതും മറ്റേതെങ്കിലും മാർഗ്ഗത്തിലുള്ള വസൂലാക്കലിന് ഭംഗം വരാതെ കാലാകാലങ്ങളിൽ നിലവിലിരിക്കുന്ന നികുതികുടിശ്ശിക വസൂലാക്കൽ ആക്റ്റിൻകീഴിൽ തിരിച്ചുപിടിക്കേണ്ടതുമാണ്.

28. **റിവിഷൻ.**- സർക്കാരിന് സ്വമേധയായോ സങ്കടമനുഭവിക്കുന്ന ആളിന്റെ അപേക്ഷയിൻമേലോ ഈ ആക്റ്റുപ്രകാരം ഏതൊരു സംഗതിയിൻമേലുള്ള കളക്ടറുടെ ഏതൊരു പ്രവൃത്തിയുടെയോ നടപടിയുടേയോ രേഖകൾ ആവശ്യപ്പെടാവുന്നതും അതിന് ഉചിതമെന്നു തോന്നുന്ന അപ്രകാരമുള്ള ഉത്തരവ് പുറപ്പെടുവിക്കാവുന്നതുമാണ്.

29. **ഉത്തമവിശ്വാസത്തിൽ എടുത്ത നടപടികൾക്ക് സംരക്ഷണം.**- (1) ഈ ആക്റ്റിലെ ഏതെങ്കിലും വ്യവസ്ഥകൾപ്രകാരം ഉത്തമവിശ്വാസത്തിൽ ചെയ്തിട്ടുള്ളതോ ചെയ്യുവാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതോ ആയ കാര്യത്തെ സംബന്ധിച്ച് ഏതൊരാൾക്കും എതിരായി യാതൊരു വ്യവഹാരമോ പ്രോസിക്യൂഷനോ മറ്റു നിയമനടപടികളോ നിലനിൽക്കുന്നതല്ല.

(2) ഈ ആക്റ്റിലേയോ അതിൻകീഴിൽ ഉണ്ടാക്കിയ ചട്ടങ്ങളിലേയോ ഏതങ്കിലും വ്യവസ്ഥകൾ പ്രകാരം ഉത്തമ വിശ്വാസത്തിൽ ചെയ്തിട്ടുള്ളതോ ചെയ്യുവാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതോ ആയ എന്തെങ്കിലും മുഖേന എന്തെങ്കിലും നഷ്ടം ഉണ്ടാകുകയോ ഉണ്ടാകാൻ ഇടയാകുകയോ ചെയ്താൽ സർക്കാരിനെതിരെ യാതൊരു വ്യവഹാരമോ മറ്റു നിയമ നടപടികളോ നിലനിൽക്കുന്നതല്ല.

30. **ചട്ടങ്ങൾ ഉണ്ടാക്കുന്നതിനുള്ള അധികാരം.**- (1) സർക്കാരിന് ഗസറ്റ് വിജ്ഞാപനംവഴി ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പാക്കുന്നതിലേക്കായി ചട്ടങ്ങൾ ഉണ്ടാക്കാവുന്നതാണ്.

(2) ഈ ആക്റ്റിൻകീഴിൽ ഉണ്ടാക്കിയ ഏതൊരു ചട്ടവും, അതുണ്ടാക്കിയതിനുശേഷം, കഴിയുന്ത്രവേഗം, നിയമസഭ സമ്മേളനത്തിലായിരിക്കുമ്പോൾ അതിന്റെ മുമ്പാകെ, ഒരു സമ്മേളനത്തിലോ തുടർച്ചയായ രണ്ടു സമ്മേളനങ്ങളിലോ പെടാവുന്ന, ആകെ പതിന്നാല് ദിവസക്കാലത്തേക്ക് വയ്ക്കേണ്ടതും അപ്രകാരം അത് ഏതു സമ്മേളനത്തിൽ വയ്ക്കുന്നുവോ, ആ സമ്മേളനമോ തൊട്ടടുത്തു വരുന്ന സമ്മേളനമോ അവസാനിക്കുന്നതിനുമുമ്പ്, നിയമസഭ ചട്ടത്തിൽ എന്തെങ്കിലും രൂപഭേദം വരുത്തുകയോ ആ ചട്ടം ഉണ്ടാക്കേണ്ടതില്ലെന്ന് തീരുമാനിക്കുകയോ ചെയ്യുന്നപക്ഷം, ആ ചട്ടത്തിന് അതിനുശേഷം, അതതു സംഗതിപോലെ, അങ്ങനെ രൂപപ്പെടുത്തിയ രൂപത്തിൽമാത്രം പ്രാബല്യമുണ്ടായിരിക്കുകയോ അല്ലെങ്കിൽ യാതൊരു പ്രാബല്യവും ഇല്ലാതിരിക്കുകയോ ചെയ്യുന്നതുമാകുന്നു. എന്നിരുന്നാലും, അങ്ങനെയുള്ള ഏതെങ്കിലും രൂപപ്പെടുത്തലോ റദ്ദാക്കലോ ഈ ആക്റ്റ് പ്രകാരം മുമ്പ് ചെയ്തിട്ടുള്ള ഏതെങ്കിലും സംഗതിയുടെ സാധുതയ്ക്ക് ഭംഗം വരാത്ത വിധത്തിലായിരിക്കേണ്ടതാണ്.

*2008-ലെ കേരള നെൽവയൽ-തണ്ണീർത്തട സംരക്ഷണ ചട്ടങ്ങൾ

എസ്. ആർ. ഒ. നമ്പർ 1255/2008.- 2008-ലെ കേരള നെൽവയൽ - തണ്ണീർത്തട സംരക്ഷണ ആക്റ്റിലെ (2008-ലെ 28) 30-ാം വകുപ്പുപ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചുകൊണ്ട്, കേരള സർക്കാർ താഴെപ്പറയും ചട്ടങ്ങൾ ഉണ്ടാക്കുന്നു, അതായത്:-

ചട്ടങ്ങൾ

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.- (1) ഈ ചട്ടങ്ങൾക്ക് 2008-ലെ കേരള നെൽവയൽ-തണ്ണീർത്തട സംരക്ഷണ ചട്ടങ്ങൾ എന്ന് പേരു പറയാം.

(2) ഇത് ഉടൻ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. നിർവ്വചനങ്ങൾ.- (1) ഈ ചട്ടങ്ങളിൽ സന്ദർഭം മറ്റുവിധത്തിൽ ആവശ്യപ്പെടാത്തപക്ഷം,-

(എ) "ആക്റ്റ്" എന്നാൽ 2008-ലെ കേരള നെൽവയൽ-തണ്ണീർത്തട സംരക്ഷണ ആക്റ്റ് (2008-ലെ 28) എന്നർത്ഥമാകുന്നു;

(ബി) "സെക്രട്ടറി" എന്നാൽ ബന്ധപ്പെട്ട ഗ്രാമപഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ സെക്രട്ടറി എന്നർത്ഥമാകുന്നു.

(സി) "വകുപ്പ്" എന്നാൽ ആക്റ്റിലെ ഒരു വകുപ്പ് എന്നർത്ഥമാകുന്നു.

(ഡി) "ഫാറം" എന്നാൽ ചട്ടങ്ങളുടെ അനുബന്ധമായി ചേർത്തിട്ടുള്ള ഒരു ഫാറം എന്നർത്ഥമാകുന്നു.

(2) ഈ ചട്ടങ്ങളിൽ ഉപയോഗിച്ചിട്ടുള്ളതും എന്നാൽ നിർവ്വചിച്ചിട്ടില്ലാത്തതുമായ വാക്കുകൾക്കും പദപ്രയോഗങ്ങൾക്കും ആക്റ്റിൽ യഥാക്രമം, അവയ്ക്ക് നൽകിയിട്ടുള്ള അർത്ഥം ഉണ്ടായിരിക്കുന്നതാണ്.

[1][3. **പ്രാദേശികതല നിരീക്ഷണസമിതിയിലേക്കുള്ള നാമനിർദ്ദേശം.-** 5-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് (iv)-ാം ഇനത്തിൻകീഴിൽ സമിതിയിലേക്ക് നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്നതിനുവേണ്ടി അതത് സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ നെൽകൃഷിക്കാരുടെ, ആറുപേരടങ്ങിയ, ഒരു പാനൽ ബന്ധപ്പെട്ട കൃഷി ആഫീസർ തയ്യാറാക്കി ജില്ലാകളക്ടർക്ക് സമർപ്പിക്കേണ്ടതും, ജില്ലാകളക്ടർ പ്രസ്തുത പാനലിൽനിന്നും മൂന്നുപേരെ നാമനിർദ്ദേശം ചെയ്ത് സമിതി രൂപീകരിക്കേണ്ടതുമാകുന്നു.]

4. ഡേറ്റാബാങ്ക് തയ്യാറാക്കൽ.- (1) ഈ ചട്ടം നിലവിൽവരുന്ന തീയതിമുതൽ മൂന്നുമാസത്തിനകം, ഓരോ സമിതിക്കും അധികാരിതയുള്ള പ്രദേശത്ത് ഉൾപ്പെട്ടുവരുന്ന നിലവിലുള്ള കൃഷിയോഗ്യമായ നെൽവയലുകളുടെയും തണ്ണീർതടങ്ങളുടെയും, സർവ്വേനമ്പരും, വിസ്തൃതിയും ഉൾപ്പെടെയുള്ള വിശദവിവരങ്ങൾ അടങ്ങിയ ഡേറ്റാബാങ്ക് സമിതി തയ്യാറാക്കേണ്ടതാണ്.

(2) (1)-ാം ഉപചട്ടപ്രകാരം നിലവിലുള്ള കൃഷിയോഗ്യമായ നെൽവയലുകളുടെയും തണ്ണീർത്തടങ്ങളുടെയും വിശദവിവരങ്ങളടങ്ങിയ ഡേറ്റാബാങ്ക് തയ്യാറാക്കുന്നതിലേക്ക് താഴെപ്പറയുന്ന നടപടിക്രമം പാലിക്കേണ്ടതാണ്, അതായത്:-

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* Published under G.O.(P) No. 443/2008/Revenue dt. 24/12/2008, in K.G.Ext. No. 2743 dt. 24/12/2008.

1. Substituted by Notification G.O.(P) No. 370/2009/Revenue dt.24/09/2009, K.G.Ext.No.1860 dt.18/10/2009.
3. പ്രാദേശികകതല നീരിക്ഷണസമിതിയിലേക്കുള്ള നാമനിർദ്ദേശം.- 5-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് (iv)-ാം ഇനത്തിൻകീഴിൽ സമിതിയിലേക്ക് നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്നതിനുവേണ്ടി, അതത് സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ നെൽകൃഷിക്കാരുടെ, ആറുപേരടങ്ങിയ, ഒരു പാനൽ ബന്ധപ്പെട്ട കൃഷി ആഫീസർ തയ്യാറാക്കി ജില്ലാകളക്ടർക്ക് സമർപ്പിക്കേണ്ടതും, ജില്ലാകളക്ടർ പ്രസ്തുത പാനലിൽനിന്നും മൂന്നുപേരെ പ്രസ്തുത സമിതിയിലേക്ക് നാമനിർദ്ദേശം ചെയ്യേണ്ടതുമാകുന്നു.

(എ) സമിതിക്ക് അധികാരിതയുള്ള പ്രദേശത്തെ, നിലവിലുള്ള റവന്യൂ റിക്കാർഡുകൾ പ്രകാരം കൃഷിയോഗ്യമായ നെൽവയലായി രേഖപ്പെടുത്തിയിട്ടുള്ള ഭൂമിയുടെ വിശദാംശങ്ങൾ ബന്ധപ്പെട്ട വില്ലേജ് ഓഫീസർ ബന്ധപ്പെട്ട കൃഷി ഓഫീസർക്ക് നൽകേണ്ടതും ഇതിന്റെ അടിസ്ഥാനത്തിൽ കൃഷി ഓഫീസർ, ഓരോ സ്ഥലവും പരിശോധിച്ച പ്രസ്തുതസ്ഥലം ഇപ്പോൾ നെൽകൃഷിക്ക് അനുയോജ്യമായ നെൽവയൽ ആണോയെന്ന് പരിശോധിച്ചും തണ്ണീർതടങ്ങളെ സംബന്ധിച്ച റവന്യൂറിക്കാർഡുകളുടെ അടിസ്ഥാനത്തിൽ വില്ലേജ് ഓഫീസർ സ്ഥലപരിശോധന നടത്തിയും ബോദ്ധ്യപ്പെടേണ്ടതും അപ്രകാരം പരിശോധന നടത്തി ബോദ്ധ്യപ്പെട്ട വിവരങ്ങളുടെ അടിസ്ഥാനത്തിൽ, കൃഷി ഓഫീസറും വില്ലേജ് ഓഫീസറും കൂടി നെൽവയലുകളുടെയും തണ്ണീർതടങ്ങളുടെയും ഒരു കരട് ഡേറ്റാബാങ്ക് തയ്യാറാക്കി സമിതിയുടെ പരിഗണനയ്ക്ക് സമർപ്പിക്കേണ്ടതുമാണ്.

(ബി) (എ) ഖണ്ഡപ്രകാരം ലഭിച്ച കരട് ഡേറ്റാബാങ്ക് സമിതി പരിഗണിക്കേണ്ടതും ആവശ്യമെങ്കിൽ, യുക്തമായ തിരുത്തലുകൾ വരുത്തേണ്ടതുമാണ്. സമിതിയുടെ അധികാരപരിധിക്കുള്ളിലെ നെൽവയലുകളുടെയും തണ്ണീർതടങ്ങളുടെയും പ്രസ്തുത കരട് ഡേറ്റാബാങ്ക്, നാഷണൽ റിമോർട്ട് സെൻസിങ് ഏജൻസിയോ, സംസ്ഥാന ഭൂവിനിയോഗ ബോർഡോ, ഭൗമശാസ്ത്ര പഠനകേന്ദ്രമോ (CESS), ഇൻഫർമേഷൻ കേരള മിഷനോ (IKM), മറ്റേതെങ്കിലും കേന്ദ്ര/സംസ്ഥാന ശാസ്ത്ര സാങ്കേതികസ്ഥാപനമോ, ഉപഗ്രഹചിത്രങ്ങളുടെ അടിസ്ഥാനത്തിൽ തയ്യാറാക്കിയിട്ടുള്ള ഭൂപടത്തിന്റെ സഹായത്തോടെ പരിശോധിച്ച് അന്തിമരൂപം നൽകി സമിതി അംഗീകരിക്കേണ്ടതാണ്:

എന്നാൽ ഈ ഉപചട്ടപ്രകാരം കരട് ഡേറ്റാബാങ്ക് തയ്യാറാക്കുമ്പോൾ ഉപഗ്രഹചിത്രത്തിന്റെ അടിസ്ഥാനത്തിൽ ഏറ്റവും അവസാനം തയ്യാറാക്കിയ ഡേറ്റാബാങ്ക് ആയിരിക്കണം അവലംബിക്കേണ്ടത്.

(3) (2)(എ) ചട്ടപ്രകാരം ഡേറ്റാബാങ്ക് തയ്യാറാക്കുന്നതിന് സാങ്കേതിക

സർവ്വേ നമ്പരുകളും വിസ്തൃതിയുമടങ്ങിയ ഡേറ്റാബാങ്ക് സമിതി ബന്ധപ്പെട്ട തദ്ദേശസ്ഥാപനത്തിന്റെ സെക്രട്ടറിക്ക് അയച്ചുകൊടുക്കേണ്ടതും, സെക്രട്ടറി അത് ഒരു വിജ്ഞാപനമായി കേരള ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തേണ്ടതും കൂടാതെ, ബന്ധപ്പെട്ട പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ ഓഫീസിലും വില്ലേജ് ഓഫീസിലും/ഓഫീസുകളിലും പ്രദർശിപ്പിക്കുവാൻ ആവശ്യമായ നടപടികൾ സ്വീകരിക്കേണ്ടതുമാകുന്നു.

5. നെൽവയൽ നികത്തുന്നതിനുവേണ്ടിയുള്ള അപേക്ഷ.- (1) 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം നെൽവയലിന്റെ ഉടമസ്ഥന് താമസിക്കുന്നതിനായി വീടുവയ്ക്കുന്നതിനോ അല്ലെങ്കിൽ 10-ാം വകുപ്പുപ്രകാരം പൊതു ആവശ്യത്തിനായോ നെൽവയൽ രൂപാന്തരപ്പെടുത്തുന്നതിനുള്ള ഏതൊരപേക്ഷയും ബന്ധപ്പെട്ട പ്രാദേശികതലനീരിക്ഷണസമിതിയുടെ കൺവീനർ മുമ്പാകെ സമർപ്പിക്കേണ്ടതാണ്. വീടുവയ്ക്കുന്നതിനായി നെൽവയൽ രൂപാന്തരപ്പെടുത്തുന്നതിനുള്ള അപേക്ഷ ഫാറം 1-ലും പൊതു ആവശ്യത്തിന് പരിവർത്തനപ്പെടുത്തുന്നതിനോ രൂപാന്തരപ്പെടുത്തുന്നതിനോ ഉള്ള അപേക്ഷ ഫാറം 2-ലും ആയിരിക്കേണ്ടതും മേൽപ്പറഞ്ഞ അപേക്ഷകളിൽ പത്തുരൂപയുടെ കോർട്ട് ഫീസ് സ്റ്റാമ്പ് പതിച്ചിരിക്കേണ്ടതുമാണ്.

(2) (1)-ാം ഉപചട്ടപ്രകാരം സമിതി മുമ്പാകെ ലഭിക്കുന്ന ഓരോ അപേക്ഷയും മുൻഗണനാക്രമമനുസരിച്ച് പരിഗണിക്കേണ്ടതും, നെൽവയലിന്റെ ഉടമസ്ഥന് വീടുവയ്ക്കുന്നതിന് വേണ്ടിയുള്ള അപേക്ഷയുടെ സംഗതിയിൽ, 9-ാം വകുപ്പ് (8)-ാം ഉപവകുപ്പിൽ പറയുന്ന കാര്യങ്ങളെ സംബന്ധിച്ച് കൃഷി ഓഫീസറുടെയും വില്ലേജ് ഓഫീസറുടെയും അന്വേഷണ റിപ്പോർട്ട് വാങ്ങുകയും അവ പരിഗണിച്ചുകൊണ്ടും ആവശ്യമായ മറ്റ് അന്വേഷണത്തിനുശേഷവും സമിതി പ്രസ്തുത അപേക്ഷ സംബന്ധിച്ച തങ്ങളുടെ ശുപാർശസഹിതം, പരമാവധി അറുപതുദിവസത്തിനകം അത്, ജില്ലാതല അധികൃത സമിതി ലഭ്യമാകുന്ന ശുപാർശകളിന്മേൽ ഒരു മാസത്തിനകം തീരുമാനമെടുക്കേണ്ടതാണ്.

[2][(3)] പൊതു ആവശ്യത്തിനായി നെൽവയൽ പരിവർത്തനപ്പെടുത്തുന്നതിനോ രൂപാന്തരപ്പെടുത്തുന്നതിനോ ഉള്ള അപേക്ഷയുടെ സംഗതിയിൽ, സമിതി, പൊതു ആവശ്യം, വിസ്തൃതി മറ്റു സ്ഥലങ്ങളുടെ അഭാവം തുടങ്ങിയവ സംബന്ധിച്ച് തങ്ങളുടെ ശുപാർശസഹിതം, അപേക്ഷ, പരമാ

2. In Gazette it is mentioned as number (4)

വധി അറുപതുദിവസത്തിനം സംസ്ഥാനതലസമിതിയുടെ പരിഗണനയ്ക്കായി അയച്ചുകൊടുക്കേണ്ടതാണ്.

6. അപ്പീൽ.- 9-ാം വകുപ്പ് (6)-ാം ഉപവകുപ്പുപ്രകാരം സമർപ്പിക്കുന്ന അപ്പീലിൽ, അപ്പീൽ വാദിയുടെ പൂർണ്ണ മേൽവിലാസവും രൂപാന്തരപ്പെടുത്താൻ അപേക്ഷ നൽകിയിട്ടുള്ള നെൽവയലിന്റെ സർവ്വേ നമ്പർ, വിസ്തീർണ്ണം തുടങ്ങിയ വിശദവിവരങ്ങളും ഉൾപ്പെടുത്തിയിരിക്കണം. അപ്പീലിനോടൊപ്പം, അറുപത് രൂപയുടെ കോർട്ട് ഫീ സ്റ്റാമ്പ് പതിച്ചിരിക്കേണ്ടതും അപ്പീലിന് ആധാരമായ ഉത്തരവിന്റെ ഒരു പകർപ്പുകൂടി ഹാജരാക്കേണ്ടതുമാണ്.

7. നെൽവയൽ കൃഷി ചെയ്യിക്കുന്നതിനുള്ള വ്യവസ്ഥകൾ.- (1) 16-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പുപ്രകാരം തദ്ദേശസ്ഥാപനം കൃഷിക്കായി നെൽവയൽ ഏറ്റെടുക്കുന്നത്, താഴെപ്പറയുന്ന വ്യവസ്ഥകൾക്ക് വിധേയമായിട്ടായിരിക്കണം. അതായത്:-

(i) നെൽവയൽ ഏറ്റെടുക്കുന്ന തീയതിമുതൽ പരമാവധി 30 മാസത്തിനകം നെൽവയലിന്റെ അനുഭവക്കാരന് ആക്റ്റിലെ വ്യവസ്ഥകൾക്കനുസൃതമായി നെൽവയൽ തിരികെ ഏൽപ്പിക്കേണ്ടതാണ്.

(ii) തദ്ദേശസ്ഥാപനം അഥവാ ആക്റ്റിലെയും അതിന്റെ കീഴിൽ ഉണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾക്ക് വിധേയമായി പ്രസ്തുത നെൽവയലിൽ കൃഷി ചെയ്യാനുള്ള അവകാശം ഏറ്റെടുക്കുന്നയാൾ അതത് സ്ഥലത്തെ ഉത്പാദനക്ഷമതയുടെ അടിസ്ഥാനത്തിൽ ബന്ധപ്പെട്ട പഞ്ചായത്ത് നിശ്ചയിക്കുന്ന തുക ഒരു വർഷത്തേക്കുള്ള പ്രതിഫലമായി നെൽവയലിന്റെ അനുഭവക്കാരന് കൃഷിയിറക്കുന്നതിനുമുമ്പ് മുൻകൂർ നൽകേണ്ടതാണ്.

(iii) നെൽകൃഷിയോ അതിന്റെ ഇടവിളകളോ കൃഷിചെയ്യുന്നതിനും അതിന്റെ വിളവെടുക്കുന്നതിനുമുള്ള അവകാശമില്ലാതെ മറ്റ് യാതൊരുവിധ അവകാശങ്ങളും തദ്ദേശസ്ഥാപനത്തനോ കൃഷി ചെയ്യുന്നതിന് അവകാശം സിദ്ധിച്ചയാളിനോ ഉണ്ടായിരിക്കുന്നതല്ല.

(iv) നെൽവയൽ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം നിർദ്ദിഷ്ട കാലയളവ് തീരുന്നശേഷം ആയതിന് അവകാശം സിദ്ധിച്ചയാൾ അത് തുടർന്നും കൈവശം വയ്ക്കുന്നപക്ഷം, പ്രസ്തുത നെൽവയൽ തദ്ദേശസ്ഥാപനം അയാളിൽ നിന്നും ഒഴിപ്പിച്ച് നെൽവയലിന്റെ അനുഭവക്കാരന് തിരികെ ഏൽപ്പിക്കേണ്ടതാണ്.

(v) ഈ കരാർ പ്രകാരമുള്ള കാലാവധിക്കുള്ളിൽ, ഏതെങ്കിലും കാരണവശാൽ നെൽവയലിന്റെ അനുഭവക്കാരൻ പ്രസ്തുത നെൽവയൽ വിൽക്കുകയോ മറ്റുവിധത്തിൽ കൈമാറ്റം ചെയ്യുകയോ ചെയ്യുന്ന പക്ഷം നെൽവയൽ കൃഷിചെയ്യാൻ അവകാശം ലഭിച്ചയാളിന് 30 ദിവസത്തെ മുൻകൂർ നോട്ടീസ് നല്കിയതിനുശേഷം കരാർ അവസാനിപ്പിക്കുന്നതിന് കൈമാറ്റം സിദ്ധിച്ച ആളിന് അവകാശം ഉണ്ടായിരിക്കുന്നതാണ്. എന്നാൽ നിലവിലുള്ള വിളയുടെ വിളവെടുപ്പുവരെ തദ്ദേശസ്ഥാപനത്തിന് അഥവാ പ്രസ്തുത നെൽവയലിൽ കൃഷി ചെയ്യാനുള്ള അവകാശം ഏറ്റെടുക്കുന്ന ആൾക്ക് കൈവശം തുടരാവുന്നതാണ്.

(vi) നെല്ലിന് പുറമെ നെൽവയലിന്റെ അനുഭവക്കാരൻ അനുവദിക്കുന്ന ഇടവിളകൾ മാത്രമേ നെൽവയലിൽ കൃഷി ചെയ്യാൻ/കൃഷി ചെയ്യിക്കുന്നതിന് അനുമതി നൽകാൻ പാടുള്ളൂ.

(vii) കൃഷിയോഗ്യമല്ലാത്ത രീതിയിൽ നെൽവയലിന്റെ ഘടനയിൽ മാറ്റംവരുത്താനോ അത് രൂപാന്തരപ്പെടുത്താനോ പരിവർത്തനപ്പെടുത്താനോ അതിൽനിന്നും കളിമണ്ണോ, മണലോ, മറ്റു ധാതുദ്രവ്യങ്ങളോ, ഖനനം ചെയ്യുവാനോ പാടില്ലാത്തതും ഖരമാലിന്യങ്ങൾ നിക്ഷേപിച്ച് മലിനീകരിക്കാൻ പാടില്ലാത്തതുമാണ്.

(2) 16-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പുപ്രകാരം നെൽവയലിന്റെ ഉടമസ്ഥനുമായി ഒപ്പിടുന്ന കരാർ ഫാറം 3-ൽ ആയിക്കേണ്ടതാണ്.

അപേക്ഷ ഫോറം 1

(5-ാം ചട്ടം കാണുക)

ഇവിടെ 10 രൂപയുടെ കോർട്ട്ഫീ സ്റ്റാമ്പ് പതിക്കുക

വീട് വയ്ക്കുന്നതിനുള്ള അപേക്ഷാഫാറം

പ്രാദേശിക നിരീക്ഷണസമിതി കൺവീനർ മുമ്പാകെ

പേര് :

പൂർണ്ണ മേൽവിലാസം :

മേൽവിലാസത്തിലുള്ള വാസഗൃഹം സ്വന്തം പേരിലുള്ളതാണോ, അല്ലെങ്കിൽ ആരുടെ പേരിൽ? :

അപേക്ഷകന് സ്വന്തമായി സംസ്ഥാനത്ത് മറ്റ് ഭൂമി ഉണ്ടെങ്കിൽ അതിന്റെ വിശദാംശങ്ങൾ :

തൊഴിൽ :

പരിവർത്തനപ്പെടുത്താനുദ്ദേശിക്കുന്ന നെൽവയലിന്റെ വിവരങ്ങൾ :

താലൂക്ക് :

വില്ലേജ് :

സർവ്വേ നമ്പർ :

പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ :

പരിവർത്തനപ്പെടുത്തണമെന്നുദ്ദേശിക്കുന്ന സ്ഥലത്തിന്റെ വിസ്തൃതി :

ടി സ്ഥലത്തേക്ക് വഴി സൗകര്യം ഉണ്ടോ? :

ഉണ്ടെങ്കിൽ വഴിയുടെ വീതി/ഇല്ലെങ്കിൽ വഴി സൗകര്യം എത്രദൂരം വരെയുണ്ട്? :

സത്യപ്രസ്താവന

ഈ അപേക്ഷയിൽ ആവശ്യപ്പെട്ടപ്രകാരം നെൽവയൽ രൂപാന്തരപ്പെടുത്തിയാൽ അത് പാരിസ്ഥിതികവ്യവസ്ഥയെയും ചേർന്നുകിടക്കുന്ന നെൽവയലിലെ കൃഷിയെയും പ്രതികൂലമായി ബാധിക്കുകയില്ലെന്നും എന്റെ പേരിലോ കുടുംബാംഗങ്ങളുടെ പേരിലോ ഈ ആവശ്യത്തിന് പറ്റിയ മറ്റ് സ്ഥലം ഈ ജില്ലയിൽ ഇല്ലെന്നും കെട്ടിടം പണിയുന്നത് എന്റെ സ്വന്തം താമസത്തിന് വേണ്ടിയാണെന്നും നികത്താനുള്ള നെൽവയൽ മറ്റു നെൽവയലുകളാൽ ചുറ്റപ്പെട്ടല്ല സ്ഥിതി ചെയ്യുന്നതെന്നും ..... എന്ന ഞാൻ, ഇതിനാൽ സത്യപ്രസ്താവന ചെയ്തുകൊള്ളുന്നു.

സ്ഥലം

ഒപ്പും തീയതിയും

കൃഷി ഓഫീസറുടെ അഭിപ്രായം :

വില്ലേജ് ഓഫീസറുടെ അഭിപ്രായം :

സമിതിയുടെ ശുപാർശ :

ജില്ലാതല അധികൃതസമിതിയുടെ തീരുമാനം :

റവന്യൂ ഡിവിഷണൽ ഓഫീസറുടെ ഉത്തരവ് :

അപേക്ഷാ ഫോറം 2

(5-ാം ചട്ടം കാണുക)

ഇവിടെ 10 രൂപയുടെ കോർട്ട്ഫീ സ്റ്റാമ്പ് പതിക്കുക

പൊതു ആവശ്യത്തിന് വേണ്ടി നിലം പരിവർത്തനപ്പെടുത്തുന്നതിനോ രൂപാന്തരപ്പെടുത്തുന്നതിനോ ഉള്ള അപേക്ഷ

പ്രാദേശിക നിരീക്ഷണസമിതി കൺവീനർ മുമ്പാകെ

അപേക്ഷകന്റെ/സ്ഥാപനത്തിന്റെ പേര് :

പൂർണ്ണ മേൽവിലാസം :
പൊതു ആവശ്യത്തിന്റെ സ്വഭാവം :
പ്രോജക്റ്റിന്റെ വിശദാംശങ്ങൾ :
ആവശ്യമായ സ്ഥലത്തിന്റെ വിസ്തൃതി :
പരിവർത്തനപ്പെടുത്താനുദ്ദേശിക്കുന്ന നെൽവയലിന്റെ വിവരങ്ങൾ :
താലൂക്ക് :
വില്ലേജ് :
സർവ്വേ നമ്പർ :
പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി/കോർപ്പറേഷൻ :
പരിവർത്തനപ്പെടുത്തണമെന്നുദ്ദേശിക്കുന്ന സ്ഥലത്തിന്റെ വിസ്തൃതി :
ടി സ്ഥലത്തേക്ക് വഴി സൗകര്യം ഉണ്ടോ? ഉണ്ടെങ്കിൽ വഴിയുടെ വീതി/ഇല്ലെങ്കിൽ വഴി സൗകര്യം എത്രദൂരം വരെയുണ്ട്? :
ഈ ആവശ്യത്തിന് നെൽവയലല്ലാതെ മറ്റ് സ്ഥലം ലഭ്യമാണോ എന്ന് പരിശോധിച്ചിട്ടുണ്ടോ? :
പരിവർത്തനപ്പെടുത്തൽകൊണ്ട് നെൽവയലിന്റെ പാരിസ്ഥിതിക സ്വഭാവത്തിന് മാറ്റം വരുമോ? :
തീയതിയോടു കൂടിയ ഒപ്പ് :
കൃഷി ഓഫീസറുടെ അഭിപ്രായം :
വില്ലേജ് ഓഫീസറുടെ അഭിപ്രായം :
സമിതിയുടെ ശുപാർശ :
സംസ്ഥാനതല അധികൃത സമിതിയുടെ റിപ്പോർട്ട് :

ഫാറം 3

(ചട്ടം 7(2) കാണുക)

കരാറിന്റെ മാതൃക

.....ജില്ലയിൽ.....താലൂക്കിൽ.....വില്ലേജിൽ.....
പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി.....വാർഡിൽ.....വീട്ടുനമ്പർ.....വയസ്സ് .....മകൻ.....:.....എന്നയാളും (ഇതിനുശേഷം നെൽവയലിന്റെ അനുഭവക്കാരൻ എന്നാണ് പരാമർശിക്കപ്പെടുക).....മകൻ.....പേർ.....വയസ്സ് .....ജില്ലയിലെ.....തദ്ദേശസ്ഥാപനത്തിനുവേണ്ടി സെക്രട്ടറി എന്ന നിലയിലും (ഇതിനുശേഷം തദ്ദേശസ്ഥാപനം എന്നാണ് പരാമർശിക്കപ്പെടുക) തമ്മിൽ ഉണ്ടാക്കിയ കരാർ.

.....ജില്ലയിൽ.....താലൂക്കിൽ.....വില്ലേജിൽ.....
സർവ്വേ നമ്പരിൽപ്പെട്ടതും.....പഞ്ചായത്തിൽ/മുനിസിപ്പാലിറ്റിയിൽ സ്ഥിതി ചെയ്യുന്നതുമായ ..... ഏക്കർ.....സെന്റ് നെൽവയലിൽ നെൽകൃഷിയോ മറ്റ് ഇടവിളകളോ നെൽവയലിന്റെ അനുഭവക്കാരന് കൃഷി ചെയ്യാൻ കഴിയാത്ത സാഹചര്യമുള്ളതിനാൽ പ്രസ്തുതനിലത്തിൽ നെല്ലോ മറ്റ് ഇടവിളകളോ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം ഇന്നേ തീയതിമുതൽ.....മാസക്കാലത്തേക്ക് താഴെപ്പറയുന്ന വ്യവസ്ഥകൾക്കുവിധേയമായി ലേലം ചെയ്തോ മറ്റുവിധത്തിലോ തദ്ദേശസ്വയംഭരണസ്ഥാപനത്തിനെയോ തദ്ദേശസ്വയംഭരണസ്ഥാപനം ഏൽപ്പിച്ചുകൊടുക്കുന്ന ഏതെങ്കിലും ആളിനെയോ ഏജൻസിയെയോ ഏൽപ്പിക്കുന്നതിന് ഞാൻ ഇതിനാൽ സമ്മതിച്ചിരിക്കുന്നു.

വ്യവസ്ഥകൾ

1. പ്രസ്തുത നെൽവയൽ ഇന്നുമുതൽ.....മാസത്തിനുശേഷം നെൽവയലിന്റെ അനുഭവക്കാരന് ആക്റ്റിലെ വ്യവസ്ഥകൾക്കനുസൃതമായി തിരികെ ഏൽപ്പിക്കേണ്ടതാണ്.

2. തദ്ദേശസ്ഥാപനം അഥവാ ആക്റ്റിലെയും അതിന്റെ കീഴിലുണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളിലെയും വ്യവസ്ഥകൾക്കുവിധേയമായി പ്രസ്തുത നെൽവയലിൽ കൃഷി ചെയ്യാനുള്ള അവകാശം ഏറ്റെടുക്കുന്നയാൾ .....രൂപ (.....രൂപ മാത്രം) ഒരു വർഷത്തേക്കുള്ള പ്രതിഫലമായി നെൽവയലിന്റെ അനുഭവക്കാരന് കൃഷിയിറക്കുന്നതിനുമുമ്പ് മുൻകൂർ നൽകേണ്ടതാണ്.

3. നെൽകൃഷിയോ അതിന്റെ ഇടവിളകളോ കൃഷിചെയ്യുന്നതിനും അതിന്റെ വിളവെടുക്കുന്നതിനുമുള്ള അവകാശമല്ലാതെ മറ്റ് യാതൊരുവിധ അവകാശങ്ങളും തദ്ദേശസ്ഥാപനത്തിനോ കൃഷി ചെയ്യുന്നതിന് അവകാശം സിദ്ധിച്ചയാളിനോ ഉണ്ടായിരിക്കുന്നതല്ല.

4. നെൽവയലിൽ കൃഷി ചെയ്യുന്നതിനുള്ള അവകാശം കാലയളവ് തീരുന്ന.....ന് ശേഷം ആയതിന് അവകാശം സിദ്ധിച്ച ആൾ അത് തുടർന്നും കൈവശം വയ്ക്കുന്നപക്ഷം, പ്രസ്തുത നെൽവയൽ തദ്ദേശസ്വയംഭരണ സ്ഥാപനം അയാളിൽനിന്നും ഒഴിപ്പിച്ച് നെൽവയലിന്റെ അനുഭവക്കാരന് തിരികെ ഏൽപ്പിക്കുന്നതാണ്.

5. ഈ കരാർപ്രകാരമുള്ള കാലാവധിക്കുള്ളിൽ, ഏതെങ്കിലും കാരണവശാൽ നെൽവയലിന്റെ അനുഭവക്കാരൻ പ്രസ്തുത നെൽവയൽ വിൽക്കുകയോ മറ്റുവിധത്തിൽ കൈമാറ്റം ചെയ്യുകയോ ചെയ്യുന്ന പക്ഷം നെൽക്കൃഷി ചെയ്യാൻ അവകാശം സിദ്ധിച്ചയാളിന്/തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിന് 30 ദിവസത്തെ നോട്ടീസ് നൽകേണ്ടതും പ്രസ്തുത കാലാവധി അവസാനിക്കുമ്പോൾ കരാർ അവസാനിച്ചതായി കണക്കാക്കേണ്ടതുമാണ്. കരാർ അവസാനിപ്പിക്കുന്നതിന് കൈമാറ്റം സിദ്ധിച്ച ആളിന് അവകാശം ഉണ്ടായിരിക്കും. എന്നിരുന്നാലും നിലവിലുള്ള വിളയുടെ വിളവെടുപ്പുവരെ തദ്ദേശസ്ഥാപനത്തിന് അഥവാ പ്രസ്തുത നെൽവയലിൽ കൃഷി ചെയ്യാനുള്ള അവകാശം ഏറ്റെടുക്കുന്നയാൾക്ക് കൈവശം തുടരാവുന്നതാണ്. നെല്ലിന് പുറമേ..... എന്നീ ഇടവിളകൾ മാത്രമേ നെൽവയലിൽ കൃഷി ചെയ്യാൻ/കൃഷി ചെയ്യിക്കുന്നതിന് അനുമതി നൽകാൻ പാടുള്ളൂ.

6. കൃഷി യോഗ്യമല്ലാത്ത രീതിയിൽ പ്രസ്തുത വയലിന്റെ ഘടനയിൽ മാറ്റം വരുത്താനോ അത് രൂപാന്തരപ്പെടുത്താനോ പരിവർത്തനപ്പെടുത്താനോ അതിൽ നിന്നും കളിമണ്ണോ, മണലോ മറ്റു ധാതുദ്രവങ്ങളോ ഖനനം ചെയ്യുവാനോ പാടില്ലാത്തതും ഖരമാലിന്യങ്ങൾ നിക്ഷേപിച്ച മലിനീകരിക്കാൻ പാടില്ലാത്തതുമാണ്.

7. മുൻപറഞ്ഞ വ്യവസ്ഥയ്ക്ക് വിരുദ്ധമായി പ്രവർത്തിക്കുന്ന പക്ഷം അതുമൂലം നെൽവയലിന്റെ ഉടമസ്ഥന് ഉണ്ടാകുന്ന നഷ്ടം നികത്തുന്നതിന് തദ്ദേശസ്ഥാപനം ബാദ്ധ്യസ്ഥമായിരിക്കുന്നതാണ്.

NOTIFICATIONS

(Old and obsolete Notifications are not given in this part. Only relevant and important notifications are included)

CONTENTS

തിരഞ്ഞെടുപ്പു ഹർജികൾ വിചാരണ ചെയ്യാനുള്ള കോടതികൾ 537

പഞ്ചായത്തുകൾ പാസ്സാക്കിയ ഓരോ ബൈലായും അംഗീകരിക്കുന്നതിന് പഞ്ചായത്ത് ഡയറക്ടറെ കേരളസർക്കാർ അധികാരപ്പെടുത്തുന്നു 539

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പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ, അസിസ്റ്റന്റ് ഡെവലപ്മെന്റ് കമ്മീഷണർ (ജനറൽ) എന്നീ ഉദ്യോഗസ്ഥൻമാർക്ക് അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ 547

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NOTIFICATIONS

തിരഞ്ഞെടുപ്പു ഹർജികൾ വിചാരണ ചെയ്യാനുള്ള കോടതികൾ

എസ്. ആർ. ഒ. നമ്പർ 1120/95.-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13), 88-ാം വകുപ്പ് പ്രകാരം നല്കപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, കേരള സർക്കാർ, ഹൈക്കോടതിയോടു കൂടി ആലോചിച്ച്, താഴെ ഒന്നാം പട്ടികയിൽ പറയുന്ന ജില്ലാ കോടതികളും രണ്ടാം പട്ടികയിൽ പറയുന്ന മുൻസിഫ് കോടതികളുമാണ്, യഥാക്രമം, ബ്ലോക്ക് പഞ്ചായത്തിന്റെയോ, ജില്ലാ പഞ്ചായത്തിന്റെയോ കാര്യത്തിലും, ഗ്രാമപഞ്ചായത്തിന്റെ കാര്യത്തിലും തിരഞ്ഞെടുപ്പു ഹർജികൾ വിചാരണ ചെയ്യാനുള്ള കോടതികളെന്ന് ഇതിനാൽ വിജ്ഞാപനം ചെയ്യുന്നു. അതായത്:-

ഒന്നാം പട്ടിക

1. ജില്ലാ കോടതി, തിരുവനന്തപ്രും.
2. ഒന്നാം അഡീഷണൽ ജില്ലാ കോടതി, തിരുവനന്തപുരം.
3. രണ്ടാം അഡീഷണൽ ജില്ലാ കോടതി, തിരുവനന്തപുരം.
4. ജില്ലാ കോടതി, കൊല്ലം.
5. ജില്ലാ കോടതി, പത്തനംതിട്ട.
6. ജില്ലാ കോടതി, ആലപ്പുഴ.
7. ജില്ലാ കോടതി, കോട്ടയം.
8. അഡീഷണൽ ജില്ലാ കോടതി, കോട്ടയം.
9. ജില്ലാ കോടതി, എറണാകുളം.
10. ഒന്നാം അഡീഷണൽ ജില്ലാ കോടതി, എറണാകുളം.
11. രണ്ടാം അഡീഷണൽ ജില്ലാ കോടതി, എറണാകുളം.
12. ജില്ലാ കോടതി, തൊടുപുഴ.
13. ജില്ലാ കോടതി, തൃശ്ശൂർ.
14. അഡീഷണൽ ജില്ലാ കോടതി, തൃശ്ശൂർ
15. ജില്ലാ കോടതി, പാലക്കാട്.
16. സ്പെഷ്യൽ കോടതി/രണ്ടാം അഡീഷണൽ ജില്ലാ കോടതി, പാലക്കാട്.
17. ജില്ലാ കോടതി, മഞ്ചേരി.
18. ജില്ലാ കോടതി, കോഴിക്കോട്.
19. അഡീഷണൽ ജില്ലാ കോടതി, കോഴിക്കോട്.
20. ജില്ലാ കോടതി ആന്റ് എം.എ.സി.റ്റി., കല്പറ്റ.
21. ജില്ലാ കോടതി, തലശ്ശേരി.
22. ജില്ലാ കോടതി ആന്റ് എം.എ.സി.റ്റി., കാസർകോഡ്.

രണ്ടാം പട്ടിക

1. പ്രിൻസിപ്പൽ മുൻസിഫ് കോടതി, തിരുവനന്തപുരം.
2. ഒന്നാം അഡീഷണൽ മുൻസിഫ് കോടതി, തിരുവനന്തപുരം.
3. രണ്ടാം അഡീഷണൽ മുൻസിഫ് കോടതി, തിരുവനന്തപുരം.
4. മൂന്നാം അഡീഷണൽ മുൻസിഫ് കോടതി, തിരുവനന്തപുരം.
5. മുൻസിഫ് കോടതി, ആറ്റിങ്ങൽ.
6. മുൻസിഫ് കോടതി, നെയ്യാറ്റിൻകര.
7. ഒന്നാം അഡീഷണൽ മുൻസിഫ് കോടതി, നെയ്യാറ്റിൻകര.
8. രണ്ടാം അഡീഷണൽ മുൻസിഫ് കോടതി, നെയ്യാറ്റിൻകര.
9. മുൻസിഫ് കോടതി, നെടുമങ്ങാട്.
10. അഡീഷണൽ മുൻസിഫ് കോടതി, നെടുമങ്ങാട്.
11. മുൻസിഫ് കോടതി, വർക്കല.

12. മുൻസിഫ് കോടതി, കൊല്ലം.
13. അഡീഷണൽ മുൻസിഫ് കോടതി, കൊല്ലം.
14. മുൻസിഫ് കോടതി, കരുനാഗപ്പള്ളി.
15. മുൻസിഫ് കോടതി, കൊട്ടാരക്കര.
16. മുൻസിഫ് കോടതി, പുനലൂർ.
17. മുൻസിഫ് കോടതി, ശാസ്താംകോട്ട (എം.എം.എസ്.കോടതി)
18. മുൻസിഫ് കോടതി, പറവൂർ (എം.എം.എസ്. കോടതി)
19. മുൻസിഫ് കോടതി, പത്തനംതിട്ട.
20. മുൻസിഫ് കോടതി, അടൂർ.
21. മുൻസിഫ് കോടതി, തിരുവല്ല.
22. മുൻസിഫ് കോടതി, റാന്നി.
23. മുൻസിഫ് കോടതി, ആലപ്പുഴ.
24. അഡീഷണൽ മുൻസിഫ് കോടതി, ആലപ്പുഴ.
25. മുൻസിഫ് കോടതി, ചേർത്തല.
26. അഡീഷണൽ മുൻസിഫ് കോടതി, ചേർത്തല
27. മുൻസിഫ് കോടതി, കായംകുളം
28. മുൻസിഫ് കോടതി, മാവേലിക്കര.
29. മുൻസിഫ് കോടതി, ചെങ്ങന്നൂർ.
30. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേറ്റ് കോടതി), ഹരിപ്പാട്.
31. പ്രിൻസിപ്പൽ മുൻസിഫ് കോടതി, കോട്ടയം.
32. അഡീഷണൽ മുൻസിഫ് കോടതി, കോട്ടയം.
33. മുൻസിഫ് കോടതി, ചങ്ങനാശ്ശേരി.
34. മുൻസിഫ് കോടതി, വൈക്കം.
35. മുൻസിഫ് കോടതി, പാലാ.
*[35 എ. മുൻസിഫ്-മജിസ്ട്രേറ്റ് കോടതി, ഈരാറ്റുപേട്ട]
36. മുൻസിഫ് കോടതി, കാഞ്ഞിരപ്പള്ളി.
37. മുൻസിഫ് കോടതി, ഏറ്റുമാനൂർ.
38. മുൻസിഫ് കോടതി, എറണാകുളം.
39. ഒന്നാം അഡീഷണൽ മുൻസിഫ് കോടതി, എറണാകുളം
40. രണ്ടാം അഡീഷണൽ മുൻസിഫ് കോടതി, എറണാകുളം
41. മുൻസിഫ് കോടതി, പെരുമ്പാവൂർ.
*[41 എ. മുൻസിഫ്-മജിസ്ട്രേറ്റ് കോടതി, കോലഞ്ചേരി]
42. മുൻസിഫ് കോടതി, മൂവാറ്റുപുഴ.
43. മുൻസിഫ് കോടതി, ആലുവ.
44. മുൻസിഫ് കോടതി, പറവൂർ.
45. മുൻസിഫ് കോടതി, കൊച്ചി.
46. അഡീഷണൽ മുൻസിഫ് കോടതി, കൊച്ചി.
47. മുൻസിഫ് കോടതി, തൊടുപുഴ.
48. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), ദേവികുളം.
49. മുൻസിഫ് കോടതി, ഇടുക്കി.
*[49എ. മുൻസിഫ്-മജിസ്ട്രേറ്റ് കോടതി, ചാലക്കുടി]
50. പ്രിൻസിപ്പൽ മുൻസിഫ് കോടതി, തൃശ്ശൂർ.
51. ഒന്നാം അഡീഷണൽ മുൻസിഫ് കോടതി, തൃശ്ശൂർ.
52. രണ്ടാം അഡീഷണൽ മുൻസിഫ് കോടതി, തൃശ്ശൂർ.
53. മുൻസിഫ് കോടതി, വടക്കാഞ്ചേരി.
54. മുൻസിഫ് കോടതി, ഇരിങ്ങാലക്കുട.
55. അഡീഷണൽ മുൻസിഫ് കോടതി, ഇരിങ്ങാലക്കുട.
56. മുൻസിഫ് കോടതി, ചാവക്കാട്.
57. മുൻസിഫ് കോടതി, കൊടുങ്ങല്ലൂർ
58. മുൻസിഫ് കോടതി, പാലക്കാട്

* Added by S.R.O. No. 501/2001, published in K.G. Ex. No. 704 dt. 15-5-2001.

59. അഡീഷണൽ മുൻസിഫ് കോടതി, പാലക്കാട്
60. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി) പട്ടാമ്പി.
61. മുൻസിഫ് കോടതി, ഒറ്റപ്പാലം.
62. മുൻസിഫ് കോടതി, ആലത്തൂർ.
63. മുൻസിഫ് കോടതി, ചിറ്റൂർ.
64. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി) മണ്ണാർകാട്.
65. മുൻസിഫ് കോടതി, പരപ്പനങ്ങാടി.
66. മുൻസിഫ് കോടതി, തിരൂർ.
67. മുൻസിഫ് കോടതി, മഞ്ചേരി.
68. മുൻസിഫ് കോടതി (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), പെരിന്തൽമണ്ണ.
69. മുൻസിഫ് കോടതി (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), പൊന്നാനി.
70. മുൻസിഫ് കോടതി, കോഴിക്കോട്-1.
71. അഡീഷണൽ മുൻസിഫ് കോടതി, കോഴിക്കോട്-1.
72. മുൻസിഫ് കോടതി, കോഴിക്കോട്-2.
73. അഡീഷണൽ മുൻസിഫ് കോടതി, കോഴിക്കോട്-2.
74. മുൻസിഫ് കോടതി, വടകര.
75. മുൻസിഫ് കോടതി, നടപുറം.
76. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), പയ്യോളി.
77. മുൻസിഫ് കോടതി, കൊയിലാണ്ടി.
78. മുൻസിഫ് കോടതി (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), പേരാമ്പ്ര.
79. മുൻസിഫ് കോടതി, കൽപ്പറ്റ.
80. മുൻസിഫ് കോടതി, (മുൻസിഫ്-മജിസ്ട്രേട്ട് കോടതി), മാനന്തവാടി.
81. മുൻസിഫ് കോടതി, തലശ്ശേരി.
82. മുൻസിഫ് കോടതി, തളിപ്പറമ്പ്.
83. മുൻസിഫ് കോടതി, കണ്ണൂർ.
84. അഡീഷണൽ മുൻസിഫ് കോടതി, കണ്ണൂർ.
85. മുൻസിഫ് കോടതി, കൂത്തുപറമ്പ്.
86. മുൻസിഫ് കോടതി, പയ്യന്നൂർ.
87. മുൻസിഫ് കോടതി, കാസർകോട്.
88. അഡീഷണൽ മുൻസിഫ് കോടതി, കാസർകോട്
89. മുൻസിഫ് കോടതി, ഹോസ്ദുർഗ്.

(Published in K.G. Ex. No: 949 dt. 21-9-1995)

എസ്. ആർ. ഒ. നമ്പർ 477/96:- This Notification is superseded by S.R.O. No.205/2000 which is given in the following pages.

എസ്. ആർ. ഒ. നമ്പർ 208/97.-This Notification is superseded by S.R.O. No. 129/2003 which is given in the following pages.

പഞ്ചായത്തുകൾ പാസ്സാക്കിയ ഓരോ ബൈലായും അംഗീകരിക്കുന്നതിന് പഞ്ചായത്ത് ഡയറക്ടറെ അധികാരപ്പെടുത്തുന്നു

ജി.ഒ. (എം.എസ്.) നമ്പർ 105/97/ത.ഭ.വ. തിരുവനന്തപുരം 1997 മേയ് 12

എസ്. ആർ. ഒ. നമ്പർ 431/97.- 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 256-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പും 1995-ലെ കേരള പഞ്ചായത്ത് (ബൈലാകൾ ഉണ്ടാക്കാനുള്ള നടപടിക്രമം) ചട്ടങ്ങളിലെ 3 (5) ചട്ടങ്ങളും കൂട്ടിവായിച്ചപ്രകാരം നിക്ഷിപ്തമായ അധികാരങ്ങൾ വിനിയോഗിച്ച്, പഞ്ചായത്തുകൾ പാസ്സാക്കിയ ഓരോ ബൈലായും അംഗീകരിക്കുന്നതിന് പഞ്ചായത്ത് ഡയറക്ടറെ കേരള സർക്കാർ അധികാരപ്പെടുത്തുന്നു.

എസ്. ആർ. ഒ. നമ്പർ 445/97.- This Notification is superseded by S.R.O. No. 129/2003 which is given in the following pages.

ജില്ലാ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ, തദ്ദേശ ഭരണ വകുപ്പ് സെക്രട്ടറി എന്നീ ഉദ്യോഗസ്ഥൻമാരെ ചുമതലകൾ നിർവഹിക്കുന്നതിന് അധികാരപ്പെടുത്തുന്നു

എസ്. ആർ. ഒ. നമ്പർ 647/97.- 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 276-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് താഴെ പട്ടികയിൽ (1)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ഉദ്യോഗസ്ഥൻമാരെ (2)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ചുമതലകൾ നിർവഹിക്കുന്നതിന് കേരള സർക്കാർ ഇതിനാൽ അധികാരപ്പെടുത്തുന്നു. അതായത്:-

പട്ടിക

	ഉദ്യോഗസ്ഥൻ	അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ
	(1)	(2)
1.	ജില്ലാ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ	276-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം ഗ്രാമപഞ്ചായത്തുകളുടെ കാര്യത്തിൽ അപ്പീൽ സ്വീകരിക്കലും തീർപ്പാക്കലും.
2.	തദ്ദേശ ഭരണ വകുപ്പ് സെക്രട്ടറി	276-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം ജില്ല/ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ കാര്യത്തിൽ അപ്പീൽ സ്വീകരിക്കലും തീർപ്പാക്കലും.

(Published in K.G. Ex. No: 1119 dt. 14-8-1997)

ജില്ലാ കോടതികളും മുൻസിഫ് കോടതികളും പുറപ്പെടുവിക്കുന്ന ഉത്തരവുകളിൻമേൽ അപ്പീൽ ബോധിപ്പിക്കാവുന്ന കോടതികൾ

എസ്. ആർ. ഒ. നമ്പർ 661/98.-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13), 113-ാം വകുപ്പ് പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചും, കേരള ഹൈക്കോടതിയോട് കൂടിയാലോചിച്ചും, കേരള സർക്കാർ തെരഞ്ഞെടുപ്പു ഹർജികൾ സംബന്ധിച്ച് ജില്ലാ കോടതികളും മുൻസിഫ് കോടതികളും പുറപ്പെടുവിക്കുന്ന ഉത്തരവുകളിൻമേൽ അപ്പീൽ ബോധിപ്പിക്കാവുന്ന കോടതികൾ യഥാക്രമം കേരള ഹൈക്കോടതിയും താഴെ പട്ടികയിൽ പറയുന്ന ജില്ലാ കോടതികളുമാണ് എന്ന് ഇതിനാൽ വിജ്ഞാപനം ചെയ്യുന്നു, അതായത്:-

പട്ടിക

1. ജില്ലാ കോടതി, തിരുവനന്തപ്രും
2. ജില്ലാ കോടതി, കൊല്ലം
3. ജില്ലാ കോടതി, പത്തനംതിട്ട
4. ജില്ലാ കോടതി, ആലപ്പുഴ
5. ജില്ലാ കോടതി, കോട്ടയം
6. ജില്ലാ കോടതി, എറണാകുളം
7. ജില്ലാ കോടതി, തൊടുപുഴ
8. ജില്ലാ കോടതി, തൃശ്ശൂർ
9. ജില്ലാ കോടതി, പാലക്കാട്
10. ജില്ലാ കോടതി, മഞ്ചേരി
11. ജില്ലാ കോടതി, കോഴിക്കോട്
12. ജില്ലാ കോടതി, തലശ്ശേരി
13. ജില്ലാ കോടതിയും വാഹനാപകട നഷ്ട പരിഹാര ട്രിബ്യൂണലും കൽപ്പറ്റ
14. ജില്ലാ കോടതിയും വാഹനാപകട നഷ്ട പരിഹാര ട്രിബ്യൂണലും , കാസറകോഡ്

(Published in K.G. Ex. No: 1280 dt. 6-8-1998)

Empowering Commissioner for Rural Development, District Collector and Assistant Development Commissioner to perform functions

S.R.O. No. 767/99-Under sub-section (1) of section 188 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) the Government of Kerala hereby empower the officers mentioned in column (2) of the Schedule

below to perform the functions noted against each in column (3) thereof, in any Block Panchayat in their respective areas of jurisdiction, namely:-

SCHEDULE

Serial	Officers empowered	Functions
(1)	(2)	(3)
1.	Commissioner for Rural Development.	All matters specified in clauses (a) to (f) of sub section (1) of section 188 of the Kerala Panchayat Raj Act, 1994.
2.	District Collector	
3.	Assistant Development Commissioner.	All matters specified in clauses (a), (b), (c) and (f) of sub-section (1) of sec tion 188 of the Kerala Panchayat Raj Act, 1994.

Explanatory Note

(This does not form part of the notification but is intended to indicated its general purport) Under sub-section (1) of section 188 of the Kerala Panchayat Raj Act, 1994, the Government or any officer empowered by the Government in this behalf may perform the functions with regard to matters enumerated in the said section. The Government have decided to empower the commissioner for rural development to perform the functions with regard to matters mentioned in clauses (a) to (f) of sub-section (1) of section 188 and the District Collector and Assistant Development Commissioner to perform the functions with regard to matters mentioned in clauses (a) (b), (c) and (f) of sub-section (1) of section 188 in any Block Panchayat in their respective area of jurisdiction. This notification is intended to achieve the above object. [Local Administration (N) Department Notification G.O.(P) No. 118/99/LAD Thiruvananthapuram, Dated,17th June, 1999.]

Constitution of 'Ombudsman' for Local Self Government Institutions

S. R. O No. 454/2000- In exercise of the powers conferred by section 271 G of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby constitute an authority for Local Self Government Institutions at State level known by the name 'Ombudsman' with effect from the 29th day of May, 2000, for conducting investigations and enquiries in respect of any action involving corruption or maladministration or irregularities in the discharge of administrative functions by Local Self Government Institutions or by an employee or an officer working under the Local Self Government Institutions or by an employee or an officer working in any office or institution transferred to such Local Self Government Institutions or by elected member of the Local Self Government Institution including its President or Chairperson and for the disposal of such complaints in accordance with the provisions of the said Act.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per section 271 G of KPR Act 1994 (13 of 1994) Government of Kerala have decided to constitute Ombudsman for conducting investigations and enquiries in respect of any action involving corruption or maladministration or irregularities in the Local Self Government Institutions.This notification is intended to give effect to this section.

ഗ്രാമ/ബ്ലോക്ക്/ജില്ലാ പഞ്ചായത്തിലെ പ്രസിഡന്റിലോ, വൈസ് പ്രസിഡന്റിലോ ഉള്ള അവിശ്വാസപ്രമേയം - ഉദ്യോഗസ്ഥൻമാരെ ചുമതലകൾ നിർവഹിക്കുന്നതിന് അധികാരപ്പെടുത്തുന്നു

എസ്.ആർ.ഒ. നമ്പർ 205/2000.-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 275-ാം വകുപ്പിനോട് പ്രസ്തുത ആക്റ്റിലെ 157-ാം വകുപ്പ് കൂടി കൂട്ടിവായിച്ച പ്രകാരം നല്കപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സർക്കാർ 1996 ജൂൺ 15-ാം തീയതിയിലെ ജി.ഒ. (എംഎസ്) നമ്പർ 112/96/തദ്വ. എന്ന വിജ്ഞാപന പ്രകാരം പുറപ്പെടുവിച്ചതും 1996 ജൂൺ 15-ാം തീയതിയിലെ 721-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ എസ്.ആർ.ഒ. നമ്പർ 477/96 ആയി പ്രസിദ്ധപ്പെടുത്തിയതുമായ വിജ്ഞാപനം അതിലംഘിച്ചുകൊണ്ടും ഗ്രാമ/ബ്ലോക്ക്/ജില്ലാ പഞ്ചായത്തിലെ പ്രസിഡന്റിലോ, വൈസ് പ്രസിഡന്റിലോ അവിശ്വാസം പ്രകടിപ്പിക്കുന്ന ഒരു പ്രമേയം അവതരിപ്പിക്കാനുള്ള രേഖാമൂലമായ നോട്ടീസ് നേരിട്ട് കൈപ്പറ്റുന്നതിനും, പ്രസ്തുത പ്രമേയം പരിഗണിക്കുന്നതിനായി വിളിച്ചുകൂട്ടുന്ന യോഗത്തിൽ അദ്ധ്യക്ഷം വഹിക്കുന്നതിനും താഴെ പട്ടികയിൽ (1)-ാം കോളത്തിൽ പറയുന്ന ഉദ്യോഗസ്ഥൻമാരെ

(2)-ാം കോളത്തിൽ പറയുന്ന ചുമതലകൾ നിർവഹിക്കുന്നതിന് ഇതിനാൽ അധികാരപ്പെടുത്തുന്നു. അതായത്:- [സ ഉ (എം. എസ്.) നമ്പർ 70/2000/തസ്വഭവ. തിരുവനന്തപുരം, 2000 മാർച്ച് 1]

പട്ടിക

ഉദ്യോഗസ്ഥൻ	അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ/അധികാരങ്ങൾ
(1)	(2)
1. പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ	157 (2)-ാം വകുപ്പനുസരിച്ച് ജില്ലയിലെ ഗ്രാമപഞ്ചായത്തുകളുടെ പ്രസിഡന്റിലോ വൈസ് പ്രസിഡന്റിലോ അവിശ്വാസം പ്രകടിപ്പിക്കുന്ന ഒരു പ്രമേയം അവതരിപ്പിക്കാനുള്ള രേഖാമൂലമായ നോട്ടീസ് നേരിട്ട് സ്വീകരിക്കലും പ്രസ്തുത പ്രമേയം പരിഗണിക്കുന്നതിനുവേണ്ടി 157(5) വകുപ്പ് പ്രകാരം വിളിച്ചുകൂട്ടുന്ന യോഗത്തിൽ ആദ്ധ്യക്ഷം വഹിക്കലും.
2. അസിസ്റ്റന്റ് ഡെവലപ്മെന്റ് കമ്മീഷണർ (ജനറൽ)	157 (2)-ാം വകുപ്പനുസരിച്ച് ജില്ലയിലെ ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ പ്രസിഡന്റിലോ വൈസ് പ്രസിഡന്റിലോ അവിശ്വാസം പ്രകടിപ്പിക്കുന്ന ഒരു പ്രമേയം അവതരിപ്പിക്കുവാനുള്ള രേഖാമൂലമായ നോട്ടീസ് നേരിട്ട് സ്വീകരിക്കലും, പ്രസ്തുത പ്രമേയം പരിഗണിക്കുന്നതിനുവേണ്ടി 157(5) വകുപ്പ് പ്രകാരം വിളിച്ചുകൂട്ടുന്ന യോഗത്തിൽ ആദ്ധ്യക്ഷം വഹിക്കലും.
3. ജില്ലാ കളക്ടർ	157 (2)-ാം വകുപ്പ് അനുസരിച്ച് ജില്ലാ പഞ്ചായത്തിലെ പ്രസിഡന്റിലോ വൈസ് പ്രസിഡന്റിലോ അവിശ്വാസം പ്രകടിപ്പിക്കുന്ന ഒരു പ്രമേയം അവതരിപ്പിക്കുവാനുള്ള രേഖാമൂലമായ നോട്ടീസ് നേരിട്ട് സ്വീകരിക്കലും പ്രസ്തുത പ്രമേയം പരിഗണിക്കുന്നതിനുവേണ്ടി 157 (5) വകുപ്പ് പ്രകാരംവിളിച്ചുകൂട്ടുന്ന യോഗത്തിൽ അദ്ധ്യക്ഷം വഹിക്കലും.

തൊഴിൽനികുതി അടയ്ക്കുന്നതിൽ നിന്നും ബീഡി തൊഴിലാളികൾ, കശുവണ്ടി ഫാക്ടറി തൊഴിലാളികൾ, ഓട്, ഇഷ്ടിക, മൺപാത്ര തൊഴിലാളികൾ എന്നീ വിഭാഗം ആളുകളെ ഒഴിവാക്കുന്നു

എസ്.ആർ.ഒ. നമ്പർ 57/2001-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 207-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരളസർക്കാർ, സംസ്ഥാനത്തിലെ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലേക്ക് പ്രസ്തുത ആക്റ്റിലെ 200-ഉം 204-ഉം വകുപ്പുകൾ പ്രകാരം അടയ്ക്കേണ്ടതായ തൊഴിൽനികുതി അടയ്ക്കുന്നതിൽ നിന്നും താഴെപ്പറയുന്ന വിഭാഗങ്ങളിൽപ്പെട്ട ആളുകളെ ഇതിനാൽ ഒഴിവാക്കുന്നു; അതായത്,- [സ ഉ (അ) നമ്പർ 13/2001/തഭവ തിരുവനന്തപുരം, 2001 ജനുവരി 17]

1. ബീഡി തൊഴിലാളികൾ;
2. കശുവണ്ടി ഫാക്ടറി തൊഴിലാളികൾ;
3. ഓട്, ഇഷ്ടിക, മൺപാത്ര നിർമ്മാണ തൊഴിലാളികൾ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല, എന്നാൽ, അതിന്റെ പൊതു ഉദ്ദേശ്യം വെളിപ്പെടുത്തുവാനുള്ളതാണ്.)

കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് 207-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം സർക്കാരിൽ നിക്ഷിപ്തമായ അധികാരം ഉപയോഗിച്ച് സംസ്ഥാനത്തിലെ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലേക്ക് തൊഴിൽ നികുതി അടയ്ക്കുന്നതിൽനിന്നും ബീഡി തൊഴിലാളികൾ, കശുവണ്ടി ഫാക്ടറി തൊഴിലാളികൾ, ഓട്, ഇഷ്ടിക, മൺപാത്ര തൊഴിലാളികൾ എന്നീ വിഭാഗം ആളുകളെ ഒഴിവാക്കാൻ കേരള സർക്കാർ തീരുമാനിച്ചു. പ്രസ്തുത ലക്ഷ്യം നിറവേറ്റുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

ഗ്രാമ/ബ്ലോക്ക്/ജില്ലാ പഞ്ചായത്തിലെ ഓരോ യോഗത്തിലെയും നടപടിക്കുറിപ്പുകളുടെ പകർപ്പ്, വിയോജനക്കുറിപ്പുണ്ടെങ്കിൽ അതുസഹിതം, കൈപ്പറ്റുന്നതിന് ഉദ്യോഗസ്ഥൻമാരെ അധികാരപ്പെടുത്തിയിരിക്കുന്നു

എസ്.ആർ.ഒ. നമ്പർ 129/2003.-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 161-ാം വകുപ്പ് (8)-ാം ഉപവകുപ്പ് പ്രസ്തുത ആക്റ്റിലെ 275-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിനോട് കൂട്ടിവായിച്ച പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചുകൊണ്ടും 1997 മാർച്ച് 18-ാം തീയതി ജി.ഒ. (എം.എസ്.) നമ്പർ 53/97/ത.ഭ.വ. ആയി പുറപ്പെടുവിച്ചതും 1997 മാർച്ച് 26-ാം തീയതിയിലെ 366-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ എസ്.ആർ.ഒ. നമ്പർ 208/97 ആയി പ്രസിദ്ധപ്പെടുത്തിയതും 1997 മെയ് 30-ാം

തീയതി ജി.ഒ. (പി) നമ്പർ 112/97/ത.ഭ.വ. ആയി പുറപ്പെടുവിച്ചതും 1997 ജൂൺ 12-ാം തീയതിയിലെ 778-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ എസ്.ആർ.ഒ. നമ്പർ 445/97 ആയി പ്രസിദ്ധപ്പെടുത്തിയതുമായ വിജ്ഞാപനങ്ങൾ അതിലംഘിച്ചുകൊണ്ടും ഗ്രാമ/ബ്ലോക്ക്/ജില്ലാ പഞ്ചായത്തിലെ ഓരോ യോഗത്തിലെയും നടപടിക്കുറിപ്പുകളുടെ പകർപ്പ്, വിയോജനക്കുറിപ്പുണ്ടെങ്കിൽ അതുസഹിതം, കൈപ്പറ്റുന്നതിന് താഴെ പട്ടികയിൽ (1)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ഉദ്യോഗസ്ഥൻമാരെ, (2)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് കേരള സർക്കാർ ഇതിനാൽ അധികാരപ്പെടുത്തിയിരിക്കുന്നു, അതായത്:- (സ.ഉ. (അ) നമ്പർ 35/03/ത.സ്വ.ഭ.വ. തിരുവനന്തപുരം, 2003 ഫെബ്രുവരി 1)

പട്ടിക

ഉദ്യോഗസ്ഥൻ	അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ
(1)	(2)
1. അതത് ജില്ലയിലെ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ	161 (8)-ാം വകുപ്പ് പ്രകാരം ഗ്രാമപഞ്ചായത്ത് യോഗങ്ങളിലെ നടപടിക്കുറിപ്പുകളുടെ പകർപ്പ് സ്വീകരിക്കൽ.
2. പഞ്ചായത്ത് ഡയറക്ടർ	161 (8)-ാം വകുപ്പ് പ്രകാരം ബ്ലോക്ക് പഞ്ചായത്ത് യോഗങ്ങളിലെ നടപടിക്കുറിപ്പുകളുടെ പകർപ്പ് സ്വീകരിക്കൽ.
3. തദ്ദേശ സ്വയംഭരണ വകുപ്പ് സെക്രട്ടറി	161 (8)-ാം വകുപ്പ് പ്രകാരം ജില്ലാ പഞ്ചായത്ത് യോഗങ്ങളിലെ നടപടിക്കുറിപ്പുകളുടെ പകർപ്പ് സ്വീകരിക്കൽ.

വിശദീകരണകുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വ്യക്തമാക്കുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 161-ാം വകുപ്പ് (8)-ാം ഉപവകുപ്പ് പ്രകാരം ഒരു പഞ്ചായത്തിന്റെ ഓരോ യോഗത്തിന്റെയും നടപടിക്കുറിപ്പുകൾ സ്വീകരിക്കാൻ സർക്കാർ ഉദ്യോഗസ്ഥരെ ചുമതലപ്പെടുത്തിക്കൊണ്ട് എസ്.ആർ.ഒ. നമ്പർ 208/97, എസ്.ആർ.ഒ നമ്പർ 445/97 എന്നീ രണ്ട് വിജ്ഞാപനങ്ങൾ ഒരേ സംഗതിയിൽ പുറപ്പെടുവിക്കാൻ ഇടയായി. എസ്.ആർ.ഒ നമ്പർ 445/97 വിജ്ഞാപനത്തിന്റെ വിശദീകരണക്കുറിപ്പിൽ 'വിജ്ഞാപനം പുറപ്പെടുവിക്കാൻ' എന്നുവേണ്ടിടത്ത് "ചട്ടങ്ങൾ ഉണ്ടാക്കാൻ" എന്ന വാക്കാണ് ചേർത്തിട്ടുള്ളത്. മേൽപ്പറഞ്ഞ പോരായ്മകൾ പരിഹരിക്കുന്നതിനുവേണ്ടി ഒരു പുതിയ വിജ്ഞാപനം പുറപ്പെടുവിക്കാൻ തീരുമാനിച്ചു. ഈ ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചുള്ളതാണ് ഈ വിജ്ഞാപനം.

കൊച്ചിൻ സ്പെഷ്യൽ ഇക്കണോമിക് സോണിന് കീഴിൽ വരുന്ന എല്ലാ വ്യാവസായിക യൂണിറ്റുകളെയും സേവന നികുതി നൽകുന്നതിൽ നിന്നും ഒഴിവാക്കിയിരിക്കുന്നു

എസ് ആർ ഒ നമ്പർ 67/2004—1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ടിലെ (1994-ലെ 13) 207-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം നിക്ഷിപ്തമായ അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സർക്കാർ കൊച്ചിൻ സ്പെഷ്യൽ ഇക്കണോമിക് സോണിന് കീഴിൽ വരുന്ന എല്ലാ വ്യാവസായിക യൂണിറ്റുകളെയും പ്രസ്തുത ആക്റ്റ് 200-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് പ്രകാരം തൃക്കാക്കര ഗ്രാമപഞ്ചായത്ത് ചുമത്തുന്ന സേവന നികുതി നൽകുന്നതിൽ നിന്നും ഇതിനാൽ ഒഴിവാക്കിയിരിക്കുന്നു.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വ്യക്തമാക്കാൻ ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റിലെ വ്യവസ്ഥകൾ പ്രകാരം ചുമത്താവുന്ന നികുതികൾ, ഉപനികുതികൾ, കരം മുതലായവയിൽ നിന്നും കൊച്ചിൻ സ്പെഷ്യൽ ഇക്കണോമിക് സോണിന്റെ കീഴിലുള്ള വ്യവസായ യൂണിറ്റുകളെ ഒഴിവാക്കുന്നതിന് ഇന്ത്യാ ഗവൺമെന്റ് ഡെവലപ്മെന്റ് കമ്മീഷണർ സർക്കാരിനോട് അഭ്യർത്ഥിച്ചു. പ്രസ്തുത ആവശ്യം വിശദമായി പരിശോധിച്ചശേഷം കേരള ഗവൺമെന്റ് കൊച്ചിൻ സ്പെഷ്യൽ ഇക്കണോമിക് സോണിന്റെ കീഴിൽ വരുന്ന എല്ലാ വ്യവസായ യൂണിറ്റുകളെയും 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ടിലെ വ്യവസ്ഥകൾ പ്രകാരം തൃക്കാക്കര ഗ്രാമപഞ്ചായത്ത് ചുമത്തുന്ന സേവന നികുതി നൽകുന്നതിൽ നിന്നും പ്രസ്തുത ആക്റ്റ് 207-ാം വകുപ്പ് (2)- ാം ഉപവകുപ്പു പ്രകാരം ഒഴിവാക്കുവാൻ തീരുമാനിച്ചു. പ്രസ്തുത ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

[ജി.ഒ.(പി) നമ്പർ 34/2004/തസ്വഭവ.തിരുവനന്തപുരം, 2004 ജനുവരി 21.]

തദ്ദേശസ്വയം ഭരണ സ്ഥാപനങ്ങളുടെ തീരുമാനങ്ങൾക്കെതിരായ അപ്പീലോ റിവിഷനോ പരിഗണിക്കുന്നതിനും തീർപ്പാക്കുന്നതിനുമായി എല്ലാ ജില്ലകൾക്കും വേണ്ടി ഒരു ട്രൈബ്യൂണൽ

എസ്.ആർ.ഒ. നമ്പർ 117/2004-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 271-എസ് വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള അധികാരം വിനിയോഗിച്ചുകൊണ്ട് കേരള സർക്കാർ, തദ്ദേശ സ്വയം ഭരണ സ്ഥാപനങ്ങളുടെ തീരുമാനങ്ങൾക്കെതിരായ അപ്പീലോ റിവിഷനോ പരിഗണിക്കുന്നതിനും

തീർപ്പാക്കുന്നതിനുമായി സംസ്ഥാനത്തെ എല്ലാ ജില്ലകൾക്കും വേണ്ടി, ഒരു ട്രൈബ്യൂണൽ രൂപീകരിച്ചു കൊണ്ട് ഇതിനാൽ വിജ്ഞാപനം പുറപ്പെടുവിക്കുന്നു.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വ്യക്തമാക്കുവാൻ ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ടിലെ 271-എസ് വകുപ്പ് പ്രകാരം, തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെ തീരുമാനങ്ങൾക്കെതിരായി നൽകുന്ന അപ്പീലോ, റിവിഷനോ പരിഗണിക്കുന്നതിനും തീർപ്പാക്കുന്നതിനുമായി ഓരോ ജില്ലയ്ക്കുവേണ്ടിയോ ഒന്നിലധികം ജില്ലകൾക്കു വേണ്ടിയോ ഒരു ട്രൈബ്യൂണൽ രൂപീകരിക്കാവുന്നതാണ്. എന്നാൽ നിലവിലുള്ള സാമ്പത്തിക സ്ഥിതി പരിഗണിച്ചു കൊണ്ട്, എല്ലാ ജില്ലകൾക്കും വേണ്ടി തൽക്കാലം ഒരു ട്രൈബ്യൂണൽ രൂപീകരിക്കാൻ സർക്കാർ തീരുമാനിച്ചു. പ്രസ്തുത തീരുമാനം നടപ്പാക്കുന്നതിന് ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം. [സ.ഉ. (അ.) നമ്പർ. 52/2004/തസ്വഭവ തിരുവനന്തപുരം, 2004 ഫെബ്രുവരി 5]

സ്വത്തുക്കളുടെയും ബാദ്ധ്യതകളുടെയും സ്റ്റേറ്റ്മെന്റ് സ്വീകരിക്കുന്നതിനായി കോംപീറ്റന്റ് അതോറിറ്റിയെ അധികാരപ്പെടുത്തുന്നു

എസ്.ആർ.ഒ. നമ്പർ 429/2004.—1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13), 159-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പ് പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചുകൊണ്ട് പ്രസ്തുത വകുപ്പിലെ (1)-ഉം (2)-ഉം ഉപവകുപ്പുകളിൽ പരാമർശിച്ചിരിക്കുന്ന സ്വത്തുക്കളുടെയും ബാദ്ധ്യതകളുടെയും സ്റ്റേറ്റ്മെന്റ് ഈ വിജ്ഞാപനത്തിന്റെ അനുബന്ധത്തിൽ ചേർത്തിട്ടുള്ള ഫാറത്തിൽ സ്വീകരിക്കുന്നതിനായി ഗ്രാമപഞ്ചായത്ത് അംഗങ്ങളുടെ കാര്യത്തിൽ അതാത് ജില്ലയിലെ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടറെയും, ബ്ളോക്ക് പഞ്ചായത്തംഗങ്ങളുടെ കാര്യത്തിൽ ജില്ലയിലെ അസിസ്റ്റന്റ് ഡവലപ്മെന്റ് കമ്മീഷണറേയും, ജില്ലാ പഞ്ചായത്തംഗങ്ങളുടെ കാര്യത്തിൽ പഞ്ചായത്ത് ഡയറക്ടറെയും കോംപീറ്റന്റ് അതോറിറ്റിയായി അധികാരപ്പെടുത്തിക്കൊണ്ട് കേരള സർക്കാർ ഇതിനാൽ വിജ്ഞാപനം പുറപ്പെടുവിക്കുന്നു. *[Please See next page for Form]*

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13), 159-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പ് പ്രകാരം ഒരു പഞ്ചായത്തംഗം താൻ സ്ഥാനം ഏറ്റെടുത്ത തീയതി മുതൽ മൂന്ന് മാസത്തിനകം നിശ്ചിത ഫോറത്തിൽ അയാളുടെയും അയാളുടെ കുടുംബത്തിലെ മറ്റംഗങ്ങളുടെയും സ്വത്തുക്കളുടെയും ബാദ്ധ്യതകളുടെയും സ്റ്റേറ്റ്മെന്റ് സർക്കാർ വിജ്ഞാപനം മുഖേന അധികാരപ്പെടുത്തുന്ന കോംപീറ്റന്റ് അതോറിറ്റിക്ക് സമർപ്പിക്കേണ്ടതാണ്. അപ്രകാരം സ്റ്റേറ്റ്മെന്റ് സമർപ്പിച്ച ഒരു പഞ്ചായത്തംഗം അതിനുശേഷം അയാളുടെയോ കുടുംബത്തിലെ മറ്റംഗങ്ങളുടെയോ പേരിൽ കൂടുതലായി ഏതെങ്കിലും സ്വത്ത് ആർജ്ജിക്കുകയോ സ്റ്റേറ്റ്മെന്റിൽ പറയുന്ന ഏതെങ്കിലും സ്വത്ത് കയ്യൊഴിയുകയോ ബാദ്ധ്യതപ്പെടുത്തുകയോ ചെയ്താൽ, (2)-ാം ഉപവകുപ്പ് പ്രകാരം മൂന്ന് മാസത്തിനകം അതു സംബന്ധിച്ച സ്റ്റേറ്റുമെന്റും കോംപീറ്റന്റ് അതോറിറ്റിക്ക് സമർപ്പിക്കേണ്ടതുണ്ട്. അപ്രകാരം കോംപീറ്റന്റ് അതോറിറ്റിയായി പ്രവർത്തിക്കുന്നതിന് ഗ്രാമപഞ്ചായത്തംഗങ്ങളുടെ കാര്യത്തിൽ അതാതു ജില്ലയിലെ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടറേയും ബ്ളോക്ക് പഞ്ചായത്തംഗങ്ങളുടെ കാര്യത്തിൽ ജില്ലയിലെ അസിസ്റ്റന്റ് ഡവലപ്മെന്റ് കമ്മീഷണറേയും ജില്ലാ പഞ്ചായത്തംഗങ്ങളുടെ കാര്യത്തിൽ പഞ്ചായത്ത് ഡയറക്ടറെയും അധികാരപ്പെടുത്തുവാനും സർക്കാർ ഉദ്ദേശിക്കുന്നു. ഈ ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം. [സ.ഉ.(പി) നമ്പർ 151/2004 തിരുവനന്തപുരം, 2004 ഏപ്രിൽ 23]

എസ്.ആർ.ഒ. നമ്പർ 1296/2004.-1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 159-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിന്റെ ക്ളിപ്ത നിബന്ധന പ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, നിലവിൽ പഞ്ചായത്ത് അംഗമായിരിക്കുന്ന ഒരാൾ 159-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരം സമർപ്പിക്കേണ്ട സ്വത്തുക്കളുടെയും ബാദ്ധ്യതകളുടെയും സ്റ്റേറ്റ്മെന്റ് 23-4-2004-ലെ സ.ഉ. (പി) നമ്പർ 151/2004/ തസ്വഭവ എന്ന വിജ്ഞാപന പ്രകാരം അധികാരപ്പെടുത്തിയ കോംപീറ്റന്റ് അതോറിറ്റിക്ക് പ്രസ്തുത വിജ്ഞാപനത്തിന് അനുബന്ധമായി ചേർത്തിട്ടുള്ള ഫോറത്തിൽ ഈ വിജ്ഞാപന തീയതി മുതൽ മൂന്ന് മാസത്തിനകം സമർപ്പിക്കേണ്ടതാണെന്ന് കേരള സർക്കാർ ഇതിനാൽ നിശ്ചയിച്ച് വിജ്ഞാപനം പുറപ്പെടുവിക്കുന്നു. *[Please See next page for Form]*

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വ്യക്തമാക്കുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 159-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിരിക്കുന്ന സ്വത്തുക്കളുടെയും ബാദ്ധ്യതകളുടെയും സ്റ്റേറ്റ്മെന്റ് ഒരു പഞ്ചായത്തംഗം സ്ഥാനം ഏറ്റെടുത്ത തീയതി മുതൽ മൂന്ന് മാസത്തിനകം സർക്കാർ അധികാരപ്പെടുത്തുന്ന കോംപീറ്റന്റ് അതോറിറ്റിക്ക് മുമ്പാകെ സമർപ്പിക്കേണ്ടതാണ്. അപ്രകാരം കോംപീറ്റന്റ് അതോറിറ്റിയായി പ്രവർത്തിക്കുന്നതിന് ഗ്രാമപഞ്ചായത്ത് അംഗങ്ങളുടെ കാര്യത്തിൽ അതത് ജില്ലയിലെ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടറേയും ബ്ലോക്ക് പഞ്ചായത്ത് അംഗങ്ങളുടെ കാര്യത്തിൽ ജില്ലയിലെ അസിസ്റ്റന്റ് ഡെവല

പ്മെന്റ് കമ്മീഷണർമാരെയും ജില്ലാ പഞ്ചായത്ത് അംഗങ്ങളുടെ കാര്യത്തിൽ പഞ്ചായത്ത് ഡയറക്ടറേയും അധികാരപ്പെടുത്തി സർക്കാർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചിട്ടുണ്ട്. നിലവിൽ പഞ്ചായത്തംഗങ്ങളായിട്ടുള്ളവർ കോംപീറ്റന്റ് അതോറിറ്റിക്ക് സ്റ്റേറ്റ്മെന്റ് സമർപ്പിക്കേണ്ടതിനുള്ള തീയതി സർക്കാർ നിശ്ചയിക്കേണ്ടതാണെന്ന് 159-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിന്റെ ക്ളിപ്ത നിബന്ധനയിൽ വ്യവസ്ഥ ചെയ്യുന്നു. പ്രസ്തുത വ്യവസ്ഥ പ്രകാരം തീയതി നിശ്ചയിക്കാൻ സർക്കാർ തീരുമാനിച്ചു. ഈ ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം. [സ. ഉ (പി) നമ്പർ 331/2004/ത.സ്വ.ഭ.വ തിരുവനന്തപുരം, 2004 ഡിസംബർ 9]

അനുബന്ധം

ഫാറം

പഞ്ചായത്തംഗം സമർപ്പിക്കുന്ന സ്വത്തു വിവരം സംബന്ധിച്ച സ്റ്റേറ്റ്മെന്റ്

ഭാഗം I - സ്വാവര വസ്തുക്കൾ

| ക്രമ നമ്പർ | പഞ്ചായത്തംഗത്തിന്റെ പേര് | പഞ്ചായത്തംഗത്തിന്റെ വാർഡിന്റെ/കൂടാതെ ബന്ധം | തൊഴിൽ | കൈവശമുള്ള/ആർജ്ജിച്ച സ്വാവര വസ്തുവിന്റെ വിവരണം | | |

ഭാഗം II-ജംഗമ വസ്തുക്കൾ (10000 രൂപയിൽ കൂടുതൽ മൂല്യമുള്ളവ)

കൈവശമുള്ള/ആർജ്ജിച്ച സ്ഥാവര വസ്തുവിന്റെ വിവരണം

ക്രമ നമ്പർ	പഞ്ചായത്തംഗത്തിന്റെ/കുടുംബാംഗത്തിന്റെ പേര്	പഞ്ചായത്തംഗവുമായുള്ള ബന്ധം	ജംഗമ വസ്തുക്കൾ	എണ്ണം	മതിപ്പുവില	ജംഗമ വസ്തു ആർജ്ജിച്ച തീയതി	അഭിപ്രായങ്ങൾ
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

ഭാഗം III-ബാദ്ധ്യതകൾ

ക്രമ നമ്പർ	ഗുണഭോക്താവിന്റെ/ഗുണഭോക്താക്കളുടെ പേര്	ബാദ്ധ്യതയുടെ സ്വഭാവം	ബാദ്ധ്യത ഉടലെടുത്തിട്ടുള്ള സ്ഥാവര വസ്തുവിന്റെ/ജംഗമ വസ്തുവിന്റെ വിവരണം	ആർക്ക് ഒപ്പിട്ടുകൊടുത്തിട്ടുള്ള ഏതെന്ന്	ബാദ്ധ്യത ഉടലെടുത്ത തീയതി	തിരിച്ചടയ്ക്കേണ്ട തീയതി
(1)	(2)	(3)	(4)	(5)	(6)	(7)

സത്യപ്രസ്താവന

മേൽപ്പറഞ്ഞ വിവരങ്ങൾ എന്റെ അറിവിലും വിശ്വാസത്തിലും പെടുത്തോളം സത്യമാണെന്ന് ബോധിപ്പിക്കുന്നു.

സ്ഥലം.....

തീയതി.....

പഞ്ചായത്തംഗത്തിന്റെ പേരും ഒപ്പും

പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ, അസിസ്റ്റന്റ് ഡെവലപ്മെന്റ് കമ്മീഷണർ (ജനറൽ) എന്നീ ഉദ്യോഗസ്ഥൻമാർക്ക് അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ

എസ്.ആർ.ഒ. നമ്പർ 1354/2004.— 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994-ലെ 13) 192-ാം വകുപ്പിന്റെ (3) ഉം (4) ഉം ഉപവകുപ്പുകൾ പ്രകാരം നിക്ഷിപ്തമായ അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സർക്കാർ താഴെ പട്ടികയിൽ (1)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ഉദ്യോഗസ്ഥൻമാരെ (2)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് ഇതിനാൽ അധികാരപ്പെടുത്തുന്നു. അതായത്.

പട്ടിക

	ഉദ്യോഗസ്ഥൻ	അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ
	(1)	(2)
1.	പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ	(1) 192-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലയിലെ ഗ്രാമപഞ്ചായത്തുകളുടെയും ജില്ലാ പഞ്ചായത്തിന്റെയും ഭരണറിപ്പോർട്ട് സ്വീകരിക്കുന്നതിനും പ്രസ്തുത വകുപ്പ് (4)-ാം ഉപവകുപ്പ് പ്രകാരം ഓരോ ജില്ലയിലുള്ള ഗ്രാമപഞ്ചായത്തുകളുടെയും ജില്ലാപഞ്ചായത്തിന്റെയും ഭരണറിപ്പോർട്ടിന്റെ സംഗ്രഹങ്ങൾ ഉൾക്കൊള്ളുന്ന സമാഹൃത റിപ്പോർട്ട് സർക്കാരിലേക്ക് സമർപ്പിക്കുന്നതിനും
2.	അസിസ്റ്റന്റ് ഡെവലപ്മെന്റ് കമ്മീഷണർ (ജനറൽ)	(1) 192-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പ് പ്രകാരം അതത് ജില്ലയിലെ ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ ഭരണറിപ്പോർട്ട് സ്വീകരിക്കൽ.

വിശദീകരണകുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.). 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് 192-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പ് പ്രകാരം പഞ്ചായത്തുകളുടെ ഭരണ റിപ്പോർട്ട് സർക്കാർ ഇതിലേക്കായി അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന് അയച്ചുകൊടുക്കേണ്ടതും, പ്രസ്തുത ആക്ട് 192-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പ് പ്രകാരം ഓരോ ജില്ലയിലുള്ള ഗ്രാമപഞ്ചായത്തുകളുടെയും ബ്ലോക്ക് പഞ്ചായത്തുകളുടെയും ജില്ലാപഞ്ചായത്തിന്റെയും ഭരണ റിപ്പോർട്ടിന്റെ സംഗ്രഹങ്ങൾ ഉൾക്കൊള്ളുന്ന സമാഹൃത റിപ്പോർട്ട് സർക്കാർ ഇതിലേക്കായി അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥൻ സർക്കാരിലേക്ക് സമർപ്പിക്കേണ്ടതാണെന്നും വ്യവസ്ഥ ചെയ്തിരിക്കുന്നു. പ്രസ്തുത വ്യവസ്ഥകൾ അനുസരിച്ച് വിവിധ തലത്തിലുള്ള പഞ്ചായത്തുകളെ സംബന്ധിച്ച് വ്യത്യസ്ത ഉദ്യോഗസ്ഥൻമാരെ അധികാരപ്പെടുത്തുവാൻ സർക്കാർ തീരുമാനിച്ചു. ഈ ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം. [ജി.ഒ.(പി) നമ്പർ 329/2004/ത.സ്വ.ഭ.വ തിരുവനന്തപുരം, 2004 ഡിസംബർ 9]

പഞ്ചായത്തുകളുടെ ആഡിറ്റ് റിപ്പോർട്ട് സംബന്ധിച്ച് വ്യത്യസ്ത ഉദ്യോഗസ്ഥരെ അധികാരപ്പെടുത്തുന്ന വിജ്ഞാപനം

എസ്. ആർ. ഒ. നമ്പർ 1353/2004.— 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 215-ാം വകുപ്പിന്റെ (4) ഉം (6) ഉം (7) ഉം (15) ഉം ഉപവകുപ്പുകൾ പ്രകാരം നിക്ഷിപ്തമായ അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സർക്കാർ താഴെ പട്ടികയിൽ (1)-ാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ഉദ്യോഗസ്ഥന്മാരെ രണ്ടാം കോളത്തിൽ പറഞ്ഞിരിക്കുന്ന ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് ഇതിനാൽ അധികാരപ്പെടുത്തുന്നു. അതായത്:-

പട്ടിക

	ഉദ്യോഗസ്ഥൻ	അധികാരപ്പെടുത്തപ്പെട്ട ചുമതലകൾ/ അധികാരങ്ങൾ
	(1)	(2)
1.	പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർ	(i) 215-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ഗ്രാമപഞ്ചായത്തുകളുടെയും ജില്ലാ പഞ്ചായത്തിന്റെയുംആഡിറ്റ് റിപ്പോർട്ട് സ്വീകരിക്കൽ.

(ii) 215-ാം വകുപ്പ് (6)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ഗ്രാമപഞ്ചായത്തുകളുടെയും ജില്ലാ പഞ്ചായത്തിന്റെയും അക്കൗണ്ടുകളെ സംബന്ധിച്ചുള്ള ആഡിറ്റർമാരുടെ റിപ്പോർട്ട് സ്വീകരിക്കൽ

(iii) 215-ാം വകുപ്പ് (7)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ഗ്രാമപഞ്ചായത്തുകളും ജില്ലാ പഞ്ചായത്തും എടുത്ത നടപടി സംബന്ധിച്ച റിപ്പോർട്ട് സ്വീകരിക്കൽ

(iv) 215-ാം വകുപ്പ് (15)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ഗ്രാമപഞ്ചായത്തുകളുടെയും ജില്ലാ പഞ്ചായത്തിന്റെയും വാർഷിക റിപ്പോർട്ടും ആഡിറ്റ് റിപ്പോർട്ടും സ്വീകരിക്കൽ

2. അസിസ്റ്റന്റ് ഡെവലപ്പ്മെന്റ് കമ്മീഷണർ (ജനറൽ)

(i) 215-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ ആഡിറ്റ് റിപ്പോർട്ട് സ്വീകരിക്കൽ

(ii) 215-ാം വകുപ്പ് (6)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ അക്കൗണ്ടുകളെ സംബന്ധിച്ചുള്ള ആഡിറ്റർമാരുടെ റിപ്പോർട്ട് സ്വീകരിക്കൽ

(iii) 215-ാം വകുപ്പ് (7)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ബ്ലോക്ക് പഞ്ചായത്തുകൾ എടുത്ത നടപടി സംബന്ധിച്ച റിപ്പോർട്ട് സ്വീകരിക്കൽ

(iv) 215-ാം വകുപ്പ് (15)-ാം ഉപവകുപ്പു പ്രകാരം അതത് ജില്ലകളിലെ ബ്ലോക്ക് പഞ്ചായത്തുകളുടെ വാർഷിക റിപ്പോർട്ടും ആഡിറ്റ് റിപ്പോർട്ടും സ്വീകരിക്കൽ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ്.) 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് 215-ാം വകുപ്പ് (4), (7), (15) എന്നീ ഉപവകുപ്പുകൾ പ്രകാരം പഞ്ചായത്തുകളുടെ ആഡിറ്റ് റിപ്പോർട്ട് സർക്കാർ ഇതിലേക്കായി അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന് അയച്ചു കൊടുക്കേണ്ടതും, പ്രസ്തുത ആക്റ്റ് 215-ാം വകുപ്പ് (6)-ാം ഉപവകുപ്പ് പ്രകാരം ആഡിറ്റർമാർ സർക്കാർ ഇതിലേക്കായി അധികാരപ്പെടുത്തിയ ഉദ്യോഗസ്ഥന് റിപ്പോർട്ട് ചെയ്യേണ്ടതുമാണെന്ന് നിഷ്കർഷിക്കുന്നു. പ്രസ്തുത വ്യവസ്ഥകൾ അനുസരിച്ച് വിവിധ തലത്തിലുള്ള പഞ്ചായത്തുകളെ സംബന്ധിച്ച് വ്യത്യസ്ത ഉദ്യോഗസ്ഥരെ അധികാരപ്പെടുത്തുവാൻ സർക്കാർ തീരുമാനിച്ചു. ഈ ലക്ഷ്യം നിറവേറ്റുന്നതിന് ഉദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം. [ജി. ഒ. (പി) നമ്പർ 328/2004/തസ്വഭവ. തിരുവനന്തപുരം, 2004 ഡിസംബർ 9.]

APPLICATION OF KERALA MUNICIPALITY BUILDING RULES TO ALL GRAMA PANCHAYATS - GOVERNMENT ORDER

GOVERNMENT OF KERALA
Local Self Government (RD) Department
NOTIFICATION

G.O.(Ms.) no. 150/2007/LSGD Dated Thiruvananthapuram, 6th June, 2007.

S.R.O. No. 495/2007.— In exercise of the powers conferred by sub-section (1) of section 274 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and in supersession of all the previous notifications issued in this subject matter, the Government of Kerala hereby declare that those provisions of the Kerala Municipality Act, 1994 (20 of 1994) mentioned in the schedule below and the Kerala Municipality Building Rules, 1999, shall be extended and be in force in all the Village Panchayats of Kerala State with immediate effect.

SCHEDULE

Clauses (2), (3), (19), (32), (34), (38) and (46) of section 2 of Chapter I, Chapter XVIII and sections 509 and 510 of Chapter XXIII, sections 511, 515, 517 of Chapter XXIV, section 563 of Chapter XXV, sections 567, 570, 573 of Chapter XXVI and the fourth and fifth schedules in so far as they relate to the matters specified in Chapter XVII of the Kerala Municipality Act, 1994 (20 of 1994).

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport) Kerala has a unique environmental situation, which has historically influenced the human settlement as well as land use pattern. However, of late, large scale development is taking place in unregulated manner even in the rural areas of the State. This rapid growth in an unplanned manner without reference to the carrying capacity of a locality in relation to available infrastructure, services and securities would have serious negative consequences affecting the present and future development of the State. Therefore it is necessary to ensure proper regulation of development especially construction activities. For this purpose Government have already implemented the provisions of Kerala Municipality Building Rules and relevant provisions of the Kerala Municipality Act, 1994 (Act 20 of 1994) in 184 Panchayats. Now it is decided to extend the application of the Kerala Municipality Building Rules, 1999 and the relevant provisions of the Kerala Municipality Act, 1994 (20 of 1994) to all Village Panchayats of Kerala State. This notification is intended to achieve the above object.

EXEMPTION OF STAMP DUTY / REGISTRATION FEE ETC. FOR THE CONSTRUCTION OF HOUSES FOR THE LANDLESS THROUGH THE EMS HOUSING SCHEME

S. R. O No. 610/2009.— In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Kerala Stamp Act, 1959 (17 of 1959), the Government of Kerala, being of opinion that it is necessary in the public interest so to do, hereby remit the stamp duty chargeable on the instruments of conveyance in respect of land to be executed in favour of the beneficiaries for the construction of houses for the landless through the EMS Housing Scheme to be implemented by the Government of Kerala through Local Self Government institutions in the State, under the said Act.

Explanatory Note

(This does not form part of the order, but is intended to indicate its general purport.) Government have decided to implement the EMS Housing Scheme through the Local Self Government Institutions. The Local Self Government Department has requested for exemption of stamp duty on the instruments of conveyance in respect of land to be executed in favour of the beneficiaries, for the construction of houses for the landless through the EMS Housing Scheme to be implemented by the Government of Kerala through the Local Self Government Institutions in the State. The Government have decided to allow the request in public interest. This order is intended to achieve the above object. [Taxes (E) Department, Notification G.O.(P) No. 127/2009/TD, Thiruvananthapuram, Dt.16th July, 2009.]

II

S.R.O.No. 611/2009.— In exercise of the powers conferred by sub-section (2) of section 78 of the Registration Act, 1908 (Central Act 16 of 1908), the Government of Kerala, being of opinion that, it is necessary in the public interest so to do, hereby remit the fee payable under the said Act for the registration of the instruments of conveyance in respect of land to be executed in favour of the beneficiaries for the construction of houses for the landless through the EMS Housing Scheme to be implemented by the Government of Kerala through Local Self Government Institutions in the State.

Explanatory Note

(This does not form part of the order, but is intended to indicate its general purport.) Government have decided to implement the EMS Housing Scheme through Local Self Government Institutions. The Local Self Government Department has requested Government to remit the registration fee on the instruments of conveyance in respect of land to be executed in favour of the beneficiaries for the construction of houses for the landless through the EMS Housing Scheme to be implemented by the Government of Kerala through the Local self Government Institutions in the State. The Government have decided to allow the requested in public interest. This order is intended to achieve the above object.[Taxes (E) Department, Notification G.O.(P) No. 128/2009/TD, Thiruvananthapuram,dt. 16th July, 2009.]

III

S.R.O.No.612/09. In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Kerala Stamp Act, 1959 (17 of 1959), the Government of Kerala, being of opinion that, it is necessary in the public interest so to do, hereby remit the stamp duty chargeable under the said Act in respect of the mortgage deeds or other deeds of land to be executed by the beneficiaries of the EMS Housing Scheme, in favour of the Local Self Government Institutions in the State of Kerala, for a definite period and the release deeds thereof, to be executed by the Local Self Government Institutions in the State of Kerala in favour of the

beneficiaries after a period of 12 years in connection with the loans granted to the above beneficiaries of the scheme for the constructions of houses therein.

Explanatory Note

(This does not form part of the order, but is intended to indicate its general purport.) Government have decided to implement the EMS Housing Scheme through Local Self Government Institutions. Local Self Government Department have requested to remit the stamp duty chargeable under the Kerala Stamp Act, 1959 in respect of the mortgage deeds or other deeds of land to be executed by the beneficiaries of the EMS Housing Scheme in favour of the Local Self Government Institutions for a definite period and the release deeds thereof to be executed in favour of the beneficiaries after a period of 12 years in connection with the loans granted to the above beneficiaries of the scheme for the construction of houses therein. The Government have decided to allow the request in public interest. This order is intended to achieve the above object. [Taxes (E) Department, Notification G.O.(P) No. 129/2009/TD Thiruvananthapuram, dt. 16th July, 2009.]

S.R.O. No. 613/2009.— In exercise of the powers conferred by sub-section (2) of the section 78 of the Registration Act, 1908 (Central Act 16 of 1908), the Government of Kerala, being of opinion that, it is necessary in the public interest so to do, hereby remit the fee payable under the said Act for the registration of instruments of mortgage deeds or other deeds in respect of land to be executed by the beneficiaries of the EMS Housing Scheme, in favour of the Local Self Government Institutions in the State of Kerala for a definite period and the release deeds thereof to be executed by the Local Self Government Institutions in the State of Kerala in favour of the beneficiaries after a period of 12 years in connection with the loans granted to the above beneficiaries of the scheme for the construction of houses therein.

Explanatory Note

(This does not form part of the order, but is intended to indicate its general purport). Government have decided to implement the EMS Housing Scheme through Local Self Government Department. The Local Self Government Department have requested Government to remit the fee payable under the Registration Act, 1908 for the registration of instrument of the mortgage deeds or other deeds in respect of land to be executed by the beneficiaries of the EMS Housing Scheme for the construction of houses for the landless in favour of the Local Self Government Institutions for a definite period and the release deeds thereof to be executed by the Local Self Government Institutions in favour of the beneficiaries after a period of 12 years in connection with the loans granted to the above beneficiaries of the scheme for the construction of house therein. The Government have decided to allow the request in public interest. This order is intended to achieve the above object. [Taxes (E) Department, Notification G.O.(P) No. 130/2009/TD,Thiruvananthapuram, dt. 16th July, 2009.]

PERSONS AUTHORISED TO ACCESS PROTECTED SYSTEM NOTIFIED UNDER SUB-SECTION (1) OF SECTION 70 OF THE INFORMATION TECHNOLOGY ACT

S.R.O.No. 190/2010.— Whereas, the Government have notified any computer resource in any of the offices of the Government of Kerala or of the Government undertakings or Boards which directly or indirectly affects the facility of Critical Information Infrastructure to be a protected system, under sub-section (1) of section 70 of the Information Technology Act, 2000 (Central Act 21 of 2000) as per notification issued under G.O.(Ms.) No. 5/2010/ITD dated the 3rd February, 2010 and published as S.R.O. No. 160/2010 in the Kerala Gazette Extraordinary No. 369 dated 16th February 2010;

And Whereas, the Government have decided to authorise certain persons to access protected system notified under sub-section (1) of Section 70 of the said Act;

Now, Therefore, in exercise of the powers conferred by sub-section (2) of Section 70 of the said Act, the Government of Kerala hereby authorises the following persons to access the protected system notified under sub-section (1) of section 70 of the said Act, namely:-

(1) All existing current users of Computers in Government offices or Government Undertakings or Boards as per their allowed permissions on their respective computers, accessories and work areas.

(2) All existing owners of the contents of the websites, namely, Chief Secretary and Secretaries to the Government of Kerala, all Heads of Departments, Officers of the level of Deputy Secretary to Government and above, but below the Secretary to Government, all Chief Executives of Government Undertakings or

Boards having original content and authorisation for approval of the contents for web hosting by the secretary to Government of the Department concerned.

(3) All existing owners of the contents who are publishing the web pages and other on-line services from the Government Organisations, Government Undertakings and other Government Organisation having agreed to assist in the usage or hosting services.

(4) Internet Service Providers (ISP) agencies who are providing the internet service, hosting, web casting, network support and maintenance agencies according to their Service Level Agreement provisions and permissions with the respective Government Department/Government Undertakings or Boards and during the existence of such contract with the Government, Government Undertakings or Boards concerned and without prejudice to or not causing disrepute to the Government or functioning of the Government.

A copy of this notification shall also be made available on the internet which can be accessed at the address http://www.kerala.gov.in.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.) Government have declared that any computer resource in any of the offices of the Government of Kerala or of the Government Undertakings or Boards to be a Protected system, under sub-section (1) of section 70 of the Information Technology Act, 2000(Central Act 21 of 2000). The Government have now decided to authorise certain persons to access protected system notified under sub-section (1) of section 70 of the said Act. This notification is intended to achieve the above object. [Information Technolgoy (B) Department, Notification G.O.(MS) No. 7/2010/ITD Thiruvanathapuram, dt. 23th February, 2010.]

DECLARING ALL THE COMPUTER RESOURCES IN THE GOVERNMENT OFFICES/GOVERNMENT UNDERTAKING/ BOARDS OF THE STATE OF KERALA TO BE A PROTECTED SYSTEM, UNDER SUB-SECTION (1) OF SECTION 70 OF THE INFORMATION TECHNOLOGY ACT

S.R.O. No. 160/2010.— In exercise of the powers conferred by sub-section (1) of section 70 of the Information Technology Act, 2000 (Central Act 21 of 2000), the Government of Kerala hereby declare that any computer resource in any of the offices of the Government of Kerala or of the Government Undertaking or Boards which directly or indirectly affects the facility of Critical Information infrastructure to be a protected system except for the purpose of viewing and downloading the on-line web pages approved and published by the Government of Kerala or by the Government Undertakings or Boards or by the Government approved agency and replying to email or updating an on-line response page.

A copy of this notification shall also be made available on the internet which can be accessed at the address http://www.kerala.gov.in

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.) All the offices of the Government of Kerala including those in the Districts have been provided with computers and these have been connected with network for exchange of Information concerning the affairs of the State, some of which deal with sensitive matters. User profiles have been created for the end users, senior officers and administrators, defining the roles and responsibilities. There is a need to protect the Information, Computers, Computer systems, Network Systems from being accessed by unauthorised persons. Therefore, the Government have decided to declare all the computer resources in the Government Offices/Government Undertaking/ Boards of the State of Kerala to be a Protected system, under sub-section (1) of section 70 of the Information Technology Act, 2000 (Central Act 21 of 2000). This notification is intended to achieve the above object. [Information Technolgoy (B) Department, Notification G.O.(MS) No. 5/2010/ITD, Thiruvananthapuram, dt. 3rd February, 2010.]

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903 തയ്യാറാക്കി അംഗീകാരം നേടൽ സംബന്ധിച്ച് 924

72. ഒറ്റത്തവണ തീർപ്പാക്കൽ പദ്ധതി പ്രകാരം കുടിശ്ശിക തീർക്കുന്നതിന്
903 നൽകിയ അനുമതിയുടെ കാലാവധി മൂന്നുമാസത്തേയ്ക്കുകൂടി ദീർഘിപ്പിച്ചു 929

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77. WIDE AREA NETWORK connectivity to Local Government through BSNL 957

905 78. District Planning Committees (DPCs) - Interim arrangement till constitution of District Planning Committees - Adhoc Committees constituted 957

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GOVERNMENT ORDERS

കെട്ടിട നിർമ്മാണം-300 സ്കയർ മീറ്റർ വരെ വിസ്തീർണ്ണമുള്ള കെട്ടിടങ്ങൾക്ക് ഡവലപ്മെന്റ് പെർമിറ്റും ബിൽഡിംഗ് പെർമിറ്റും അനുവദിക്കൽ സംബന്ധിച്ച്

[തദ്ദേശ ഭരണ (ഇ) വകുപ്പ്, സർക്കാർ ഉത്തരവ് (കയ്യെഴുത്ത്) നമ്പർ, 3/97 തഭവ. TVPM, dt. 4-1-1997]

കെട്ടിട നിർമ്മാണം-300 സ്കയർ മീറ്റർ വരെ വിസ്തീർണ്ണമുള്ള കെട്ടിടങ്ങൾക്ക് ഡവലപ്മെന്റ് പെർമിറ്റും ബിൽഡിംഗ് പെർമിറ്റും അനുവദിക്കൽ-അപേക്ഷകൾ പരിശോധിച്ച് തീർപ്പാക്കുന്നതിന് "ഏക ജാലക സംവിധാനം" ഏർപ്പെടുത്തി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഉത്തരവ്

വികസന അതോറിട്ടികളുടെ പരിധിയിൽ വരുന്ന നഗര/മുനിസിപ്പൽ പ്രദേശങ്ങളിലും വികസന അതോറിട്ടികളുടെ പരിധിയിൽ വരുന്നതും കേരള കെട്ടിട നിർമ്മാണചട്ടങ്ങൾ ബാധകമാക്കിയിട്ടുള്ളതുമായ പഞ്ചായത്ത് പ്രദേശങ്ങളിലും കെട്ടിട നിർമ്മാണത്തിനായി ഡവലപ്മെന്റ് പെർമിറ്റും ബിൽഡിംഗ് പെർമിറ്റും അനുവദിച്ച് നൽകുന്നതിനുള്ള നടപടിക്രമങ്ങൾ ലഘൂകരിക്കാൻ സർക്കാർ ഉദ്ദേശിക്കുന്നു. കെട്ടിട നിർമ്മാണത്തിനായി ബന്ധപ്പെട്ട വികസന അതോറിട്ടിയിൽ നിന്ന് ഡവലപ്മെന്റ് പെർമിറ്റും പിന്നീട് നഗരസഭയിൽ നിന്നോ പഞ്ചായത്തിൽനിന്നോ ബിൽഡിംഗ് പെർമിറ്റും അനുവദിക്കുന്നതിൽ കാലതാമസം ഉണ്ടാക്കുന്നതിനുപരി അപേക്ഷകന് രണ്ട് ഓഫീസുകളെ സമീപിക്കേണ്ട ബുദ്ധിമുട്ടും സൃഷ്ടിക്കുന്നു. കെട്ടിടാനുമതിക്കായി ലഭിക്കുന്ന അപേക്ഷകളിൽ ഭൂരിഭാഗവും 300 സ്കയർമീറ്റർ വരെ വിസ്തീർണ്ണമുള്ള കെട്ടിടങ്ങൾക്കായുള്ളതാണ്. ഈ സാഹചര്യത്തിൽ ടി അപേക്ഷകർക്ക് കെട്ടിട നിർമ്മാണത്തിനുള്ള ഡവലപ്മെന്റ് പെർമിറ്റും ബിൽഡിംഗ് പെർമിറ്റും അനുവദിക്കുന്നതിന് താഴെപ്പറയും പ്രകാരം ഒരു "ഏകജാലക സംവിധാനം" നടപ്പിൽ വരുത്തുന്നതിന് സർക്കാർ ഉത്തരവാകുന്നു.

2. നഗര/മുനിസിപ്പൽ പ്രദേശങ്ങളിൽ കെട്ടിടം നിർമ്മിക്കുന്നതിന് പെർമിറ്റ് അനുവദിക്കുന്നതിനുവേണ്ടിയുള്ള അപേക്ഷകൾ ഡവലപ്മെന്റ് പെർമിറ്റിനും ബിൽഡിംഗ് പെർമിറ്റിനുമുള്ള നിശ്ചിത ഫീസ് സഹിതം ബന്ധപ്പെട്ട നഗരസഭാ ഓഫീസിൽ സമർപ്പിക്കേണ്ടതാണ്. അപേക്ഷകൾ ആഴ്ചയിൽ ഏതെങ്കിലും രണ്ട് പ്രവൃത്തി ദിവസങ്ങളിൽ മാത്രം സ്വീകരിക്കുന്നതും അത് ഏത് ദിവസങ്ങളിൽ ആയിരിക്കുമെന്ന് അതാത് വികസന അതോറിട്ടിയും നഗരസഭയും കൂടി ആലോചിച്ച് തീരുമാനിക്കേണ്ടതും ദിവസങ്ങൾ ഏതെല്ലാമെന്ന് നഗരസഭ ഓഫീസിലെ നോട്ടീസ് ബോർഡിൽ മുൻകൂട്ടി പ്രദർശിപ്പിക്കേണ്ടതുമാണ്. അപേക്ഷ നഗരസഭയിൽ ലഭിച്ചാലുടൻ അതിന് ഒരു നമ്പർ നൽകേണ്ടതും അക്കാര്യം അപേക്ഷകനെ അറിയിക്കേണ്ടതുമാണ്. നമ്പർ ക്രമപ്രകാരമായിരിക്കണം അപേക്ഷയിൻമേൽ നഗരസഭയിൽ നടപടി സ്വീകരിക്കേണ്ടത്. അപേക്ഷ ലഭിച്ചാലുടൻ ഡവലപ്മെന്റ് പെർമിറ്റ് നൽകുന്ന കാര്യം പരിശോധിക്കുന്നതിനായി അത് വികസന അതോറിറ്റിയിലേക്ക് അയയ്ക്കേണ്ടതാണ്. അപേക്ഷ വികസന അതോറിട്ടിയിൽ ലഭിക്കുമ്പോൾ അവിടെയും അതിന് ഒരു ക്രമനമ്പർ നൽകേണ്ടതാണ്. അപേക്ഷ വികസന അതോറിട്ടിയിലെ ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥർ പരിശോധിച്ച് ഡവലപ്മെന്റ് പെർമിറ്റോടുകൂടി അപേക്ഷ കിട്ടി പത്ത് ദിവസത്തിനകം നഗരസഭയിലെ ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥരെ ഏൽപ്പിക്കേണ്ടതാണ്. അവർ ഇത് പരിശോധിച്ച് മറ്റൊരു പത്തു ദിവസത്തിനുള്ളിൽ ബിൽഡിംഗ് പെർമിറ്റ് അനുവദിക്കേണ്ടതാണ്. പെർമിറ്റ് അനുവദിച്ചശേഷം അടുത്ത ദിവസം തന്നെ പെർമിറ്റ് അനുവദിക്കപ്പെട്ട അപേക്ഷകരുടെ പേരും സീരിയൽ നമ്പരും അപേക്ഷ നഗരസഭയിൽ ലഭിച്ച തീയതിയും സഹിതം നഗരസഭയുടെ നോട്ടീസ് ബോർഡിൽ പ്രദർശിപ്പിക്കേണ്ടതാണ്. പെർമിറ്റ് അപേക്ഷകന് രജിസ്റ്റേർഡ് പോസ്റ്റ് ആയി (അക്നോളജ്മെന്റ് ഡ്യൂ സഹിതം) അയച്ചുകൊടുക്കേണ്ടതാണ്.

3. വികസന അതോറിറ്റിയുടെ പരിധിയിൽ വരുന്ന പഞ്ചായത്ത് പ്രദേശത്ത് കെട്ടിടം നിർമ്മിക്കുന്നതിന് പെർമിറ്റ് അനുവദിക്കുന്നതിനും വേണ്ടിയുള്ള അപേക്ഷകൾ അതാത് പഞ്ചായത്ത് ഓഫീസിൽ സമർപ്പിക്കേണ്ടതാണ്. അപേക്ഷകൾ ആഴ്ചയിൽ ഏതെങ്കിലും രണ്ട് പ്രവൃത്തി ദിവസങ്ങളിൽ മാത്രം സ്വീകരിക്കുന്നതും അത് ഏത് ദിവസങ്ങളിൽ ആയിരിക്കുമെന്ന് അതാത് വികസന അതോറിട്ടിയും പഞ്ചായത്തും കൂടി ആലോചിച്ച് തീരുമാനിക്കേണ്ടതും ദിവസങ്ങൾ ഏതെല്ലാം എന്ന് പഞ്ചായത്ത് ഓഫീസിലെ നോട്ടീസ് ബോർഡിൽ മുൻകൂട്ടി പ്രദർശിപ്പിക്കേണ്ടതുമാണ്. മുകളിൽ രണ്ടാം ഖണ്ഡികയിൽ സൂചിപ്പിച്ചിരിക്കുന്നതുപോലെ നഗരസഭകളിൽ ലഭിക്കുന്ന അപേക്ഷകൾ പരിശോധിച്ച് തീർപ്പിക്കുന്നതിനുള്ള നടപടിക്രമം പഞ്ചായത്തുകളിൽ ലഭിക്കുന്ന അപേക്ഷകൾ പരിശോധിച്ച് തീർപ്പാക്കുന്നതിനും പാലിക്കേണ്ടതാണ്.

4. അപേക്ഷയുടെ വിശദമായ പരിശോധനയിൽ വിശദവിവരങ്ങളുടെ അഭാവംകൊണ്ടോ വിവരങ്ങൾ തെറ്റായവ ആയതുകൊണ്ടോ അല്ലെങ്കിൽ മറ്റേതെങ്കിലും കാരണത്താലോ അത് പരിഗണിക്കാൻ / അനുവദിക്കാൻ സാദ്ധ്യമല്ലാതെ വരുന്ന സംഗതിയിൽ പ്രസ്തുത വിവരം അപേക്ഷ കിട്ടി പത്തു ദിവസത്തിനകം ശ്രദ്ധയിൽപ്പെട്ട തെറ്റുകൾ വ്യക്തമായി അപേക്ഷകനെ അറിയിക്കേണ്ടതും വിവരം പഞ്ചായത്തിലെ/നഗരസഭയിലെ നോട്ടീസ് ബോർഡിൽ പ്രദർശിപ്പിക്കേണ്ടതുമാണ്. വ്യക്തമായ കാരണങ്ങളിൽമേലല്ലാതെ യാതൊരു അപേക്ഷയും നിരസിക്കാൻ പാടില്ലാത്തതാണ്.

5. ഡവലപ്മെന്റ് പെർമിറ്റിന് നിശ്ചയിച്ചിട്ടുള്ള ഫീസ് നഗരസഭകളും പഞ്ചായത്തുകളും പ്രത്യേക അക്കൗണ്ട് ഹെഡ്ഡിൽ/രസീത് ബുക്കിൽ സ്വീകരിക്കേണ്ടതും സ്വീകരിച്ച തുക ഓരോ ആഴ്ച്ചയും അതാത് വികസന അതോറിട്ടിക്ക് കൈമാറേണ്ടതുമാണ്.

6. അപേക്ഷകൾ പരിശോധിച്ച് ഡവലപ്മെന്റ്/ബിൽഡിംഗ് പെർമിറ്റ് അനുവദിക്കുന്നതിനുള്ള നടപടികൾ പൂർത്തിയാക്കാൻ അപേക്ഷകൾ നഗരസഭ/പഞ്ചായത്ത് ഓഫീസിൽ സ്വീകരിച്ച തീയതി മുതൽ മുപ്പതു ദിവസത്തിൽ കൂടുതൽ എടുക്കാൻ പാടില്ല. ആദ്യം സ്വീകരിച്ച അപേക്ഷ ആദ്യം പരിശോധിച്ച് തീർപ്പാക്കുക എന്ന രീതി ഇക്കാര്യത്തിൽ കർശനമായി പാലിക്കേണ്ടതാണ്.

7. ചട്ടങ്ങളിലെ വ്യവസ്ഥകളിൽ നിന്നോ ടൗൺ പ്ലാനിംഗ് നിയമ പ്രകാരമുള്ള പദ്ധതികളിൽ നിന്നോ, മറ്റേതെങ്കിലും പദ്ധതികളിൽനിന്നോ, റഗുലേഷനുകളിൽ നിന്നോ, ലേ ഔട്ടിൽ നിന്നോ ഉള്ള ഒഴിവാക്കലിനുള്ള അപേക്ഷ പരിശോധിച്ച് അഭിപ്രായക്കുറിപ്പോടെ ജില്ലാ കലക്ടർക്കോ/സർക്കാരിലേക്കോ അയച്ചു കൊടുക്കേണ്ട അപേക്ഷകളിലും മേൽപ്പറഞ്ഞ നടപടിക്രമങ്ങളും സമയ പരിധിയും പാലിക്കേണ്ടതാണ്. ഈ അപേക്ഷകളെ സംബന്ധിച്ച വിവരങ്ങളും (അപേക്ഷയുടെ ക്രമനമ്പർ, അപേക്ഷ സ്വീകരിച്ച തീയതി, അപേക്ഷ ഉന്നത അധികാരിക്ക് അയച്ച തീയതി മുതലായവ) നോട്ടീസ് ബോർഡിൽ യഥാസമയം പ്രദർശിപ്പിക്കേണ്ടതാണ്.

8. ഏകജാലക സംവിധാനം 300 സ്കയർ മീറ്റർ വരെ വിസ്തീർണ്ണമുള്ള ഒന്നോ രണ്ടോ നില കെട്ടിടങ്ങളെ സംബന്ധിച്ച അപേക്ഷകൾക്കുമാത്രം ബാധകമായിരിക്കുന്നതും മറ്റ് അപേക്ഷകളെ സംബന്ധിച്ച് നിലവിലുള്ള സംവിധാനം തന്നെ തുടരുന്നതുമാണെന്നും സർക്കാർ വ്യക്തമാക്കുന്നു.

9. ഏകജാലക സംവിധാനം 1997 ഫെബ്രുവരി ഒന്നു മുതൽ നടപ്പിൽ വരുത്തേണ്ടതും അതിനാവശ്യമായ ക്രമീകരണങ്ങൾ തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളും വികസന അതോറിട്ടികളും ഉടനെ ചെയ്യേണ്ടതുമാണ്.

കെട്ടിട നിർമ്മാണം - നമ്പർ നൽകലും കരം നിശ്ചയിക്കലും സംബന്ധിച്ച്

[തദ്ദേശ സ്വയംഭരണ (ബി) വകുപ്പ്, സ. ഉ. (സാധ) 1755/97/ത. ഭ. വ., TVPM, dt. 26-5-1997]

സംഗ്രഹം:- കെട്ടിട നിർമ്മാണം - പണി പൂർത്തിയായ കെട്ടിടങ്ങൾക്ക് നമ്പർ നല്കുന്നതിനും വാർഷിക കരം നിശ്ചയിക്കുന്നതിനുമുള്ള മാർഗ്ഗ നിർദ്ദേശങ്ങൾ - പുറപ്പെടുവിക്കുന്നു.

ഉത്തരവ്

തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെ പരിധിയിൽ വരുന്ന പ്രദേശങ്ങളിൽ പണി പൂർത്തിയായ കെട്ടിടങ്ങൾക്ക് വാർഷിക കരം നിശ്ചയിക്കുന്നതിനും നമ്പർ നൽകുന്നതിനും വലിയ കാലതാമസം വരുന്നതായി സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. വാർഷിക കരം നിശ്ചയിക്കുന്നതിനെതിരെയുള്ള റിവിഷൻ ഹർജികൾ കൈകാര്യം ചെയ്യുന്നതിലും അനാവശ്യമായ കാലതാമസം നേരിടുന്നതായും ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. നമ്പർ നൽകുന്നതു സംബന്ധിച്ച ഫയലുകൾ തന്നെ പലപ്പോഴും നഷ്ടപ്പെടുന്നതായും പരാതിയുണ്ട്. ഈ സാഹചര്യത്തിൽ പണി പൂർത്തിയായ കെട്ടിടങ്ങൾക്ക് നമ്പർ നൽകുന്നതിനും വാർഷിക കരം നിശ്ചയിക്കുന്നതിനും താഴെ കൊടുക്കുന്ന മാർഗ്ഗ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു :

1. മുനിസിപ്പൽ പ്രദേശങ്ങളിലും കെട്ടിട നിർമ്മാണ ചട്ടം ബാധകമാക്കിയിട്ടുള്ള പഞ്ചായത്തു പ്രദേശങ്ങളിലും കെട്ടിടം പണിതീർന്ന് പതിനഞ്ച് ദിവസത്തിനകം ഒക്യൂപ്പൻസി സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതും സർട്ടിഫിക്കറ്റ് നൽകി പതിനഞ്ച് ദിവസത്തിനകം വാർഷിക കരം നിശ്ചയിച്ച് കെട്ടിടത്തിന് നമ്പർ നൽകേണ്ടതുമാണ്.

2. കോർപ്പറേഷൻ പ്രദേശങ്ങളിൽ കെട്ടിടം പണി തീർന്ന് പരമാവധി മൂന്ന് ആഴ്ചയ്ക്കകം ഒക്യൂപ്പൻസി സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതും സർട്ടിഫിക്കറ്റ് നൽകിയ ശേഷം മൂന്ന് ആഴ്ചയ്ക്കകം വാർഷിക കരം നിശ്ചയിച്ച് കെട്ടിടത്തിന് നമ്പർ നൽകേണ്ടതുമാണ്.

3. കെട്ടിട നിർമ്മാണ ചട്ടം ബാധകമല്ലാത്ത പഞ്ചായത്തുകളിൽ വീട്ടു നമ്പർ നൽകുന്നതിനുള്ള പരമാവധി സമയം അപേക്ഷ ലഭിച്ച തീയതി മുതൽ മൂന്ന് ആഴ്ച ആയിരിക്കുന്നതാണ്.

4. വീടിനു നമ്പർ നൽകുന്നതിൽ അപേക്ഷ ലഭിക്കുന്നതിനനുസരിച്ചുള്ള മുൻഗണന പാലിക്കേണ്ടതാണ്.

5. കരം നിശ്ചയിച്ച് നമ്പർ നൽകുന്നതു സംബന്ധിച്ച് ഏതെങ്കിലും ഫയലുകൾ കാണാതാകുന്ന പക്ഷം ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥനെതിരെ കർശന നടപടികൾ സ്വീകരിക്കേണ്ടതാണ്.

6. കുടിശ്ശികയുള്ള എല്ലാ കേസുകളും 30.6.1997-ന് മുമ്പായി തീർപ്പാക്കേണ്ടതാണ്.

ഗുണഭോക്താക്കളെ തിരഞ്ഞെടുക്കുന്നതിനുള്ള മാർഗരേഖകൾ

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ആമുഖം

അധികാരങ്ങളും ചുമതലകളും വികേന്ദ്രീകരിച്ചതോടെ അധികം പദ്ധതികളുടേയും ഗുണഭോക്താക്കളെ തിരഞ്ഞെടുക്കുന്നതിനുള്ള ഉത്തരവാദിത്തം തദ്ദേശസ്വയം ഭരണ സ്ഥാപനങ്ങൾക്കാണ്. ഗ്രാമപ്രദേശങ്ങളുടെ കാര്യത്തിൽ ഗ്രാമപഞ്ചായത്തും നഗരപ്രദേശങ്ങളുടെ കാര്യത്തിൽ മുനിസിപ്പാലിറ്റികളോ മുനിസിപ്പൽ കോർപ്പറേഷനുകളോ അതതു സംഗതിപോലെയും ആയിരിക്കണം ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കേണ്ടത്. അധികാരവികേന്ദ്രീകരണം ജനപങ്കാളിത്തത്തോടുകൂടിയ വികസനത്തിൽ അധിഷ്ഠിതമായതിനാൽ, വിവിധ പദ്ധതികളുടെ ഗുണഭോക്താക്കളെ കണ്ടെത്തുന്നതിലും തെരഞ്ഞെടുക്കുന്നതിലും പൂർണ്ണതോതിലുള്ള ജനപങ്കാളിത്തം സാക്ഷാത്കരിക്കേണ്ടത് അത്യന്താപേക്ഷിതമാണ്. ജനങ്ങൾക്ക് അധികാരം നല്കുമ്പോൾ പൊതു സമ്മതം വഴി ഉണ്ടാക്കിയെടുക്കുന്ന വ്യക്തമായ മാനദണ്ഡങ്ങൾ അടിസ്ഥാനമാക്കിയുള്ളതും ആക്ഷേപമില്ലാതെ സുതാര്യമായി നടപ്പാക്കാവുന്നതുമായ ഒരു സ്വയം തെരഞ്ഞെടുപ്പു പ്രക്രിയ ഉണ്ടായിരിക്കേണ്ടതാണെന്ന കാര്യം പ്രത്യേകം പറയേണ്ടതില്ല. അവിടെ വിവേചനത്തിനും സഹായപ്രകടനത്തിനും ഒന്നും സ്ഥാനമുണ്ടായിരിക്കുകയില്ല.

ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതി, 1997 ഏപ്രിൽ മാസം 4-ാം തീയതി അതിന്റെ ഒ.പി. നമ്പർ 18175/1996-എൽ എന്ന കേസ്സിലെ വിധിയിൽ വ്യക്തമാക്കിയതുപോലെ സുതാര്യവും നീതിയുക്തവുമായ രീതിയിൽ ഗുണഭോക്താക്കളെ തിരഞ്ഞെടുക്കേണ്ടത് നിയമപരമായ ഒരു ആവശ്യം കൂടിയാണ്. ഈ കേസ്സിൽ, ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കുന്ന സംഗതിയിൽ പഞ്ചായത്തുകൾ ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കുന്ന അധികാരസ്ഥാനങ്ങൾ അല്ലെന്നും അംഗീകരിക്കുന്നതിനുള്ള അധികാരസ്ഥാനങ്ങൾ മാത്രമാണെന്നും വിധിക്കുകയുണ്ടായി. ഗ്രാമസഭയ്ക്കാണ് ഗുണഭോക്താക്കളെ കണ്ടെത്തുന്നതിനുള്ള അധികാരം. ഏതൊരു ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കലും സുതാര്യമായ ഒരു നടപടിക്രമം അനുസരിച്ചായിരിക്കണമെന്നും ഏതൊരു വിവേചനവും സ്വേഛാധിപത്യവും കേരള പഞ്ചായത്ത് രാജ് ആക്ടിന്റെ മാത്രമല്ല ഇന്ത്യൻ ഭരണഘടനയുടെ 14-ാം അനുഛേദത്തിന്റെയും ലംഘനം ആയിരിക്കുമെന്നും ആ വിധി വ്യക്തമാക്കിയിട്ടുണ്ട്. ഗുണഭോക്താക്കളുടെ പക്ഷപാതപരമായ തെരഞ്ഞെടുക്കൽ ഇന്ത്യൻ ഭരണഘടനയുടെ അന്തഃസത്തയായ സമത്വാവകാശത്തിന്റെ ലംഘനമാണ്. അധികാരവികേന്ദ്രീകരണത്തിന്റെ നിയമങ്ങളുടെയും തത്വങ്ങളുടേയും അന്തഃസത്തയ്ക്കനുസൃതമായി, ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കുന്നതിന് ഇനിപ്പറയുന്ന പൊതുമാർഗരേഖകൾ വ്യവസ്ഥ ചെയ്യാൻ സർക്കാർ തീരുമാനിച്ചിരിക്കുന്നു.

എ. ത്രിതല പഞ്ചായത്ത് രാജ് സ്ഥാപനങ്ങൾക്കുവേണ്ടി – ജില്ലയ്ക്കും ബ്ലോക്കിനും ഗ്രാമത്തിനും തെരഞ്ഞെടുപ്പിനുള്ള ഏജൻസി.

പഞ്ചായത്ത് രാജ് സ്ഥാപനങ്ങളുടെ സംഗതിയിൽ, അടിസ്ഥാനപരമായി ഗ്രാമസഭയാണു ഗുണഭോക്താക്കളെ കണ്ടെത്തേണ്ടത്. ജില്ലാ പഞ്ചായത്തിനും ബ്ലോക്ക് പഞ്ചായത്തിനും ഗ്രാമസഭ വിളിച്ചു കൂട്ടുവാൻ കഴിയാത്തതിനാൽ അവർ ബന്ധപ്പെട്ട ഗ്രാമപഞ്ചായത്തുവഴി ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കണം. അതതു ഗ്രാമപഞ്ചായത്തുകൾ ഗ്രാമസഭ വഴി തെരഞ്ഞെടുപ്പുപ്രക്രിയ നടത്തുകയും തെരഞ്ഞെടുക്കപ്പെട്ട ഗുണഭോക്താക്കളുടെ പട്ടിക അംഗീകാരത്തിനായി ബ്ലോക്ക് പഞ്ചായത്തിനോ ജില്ലാ പഞ്ചായത്തിനോ നൽകുകയും ചെയ്യും. ഇതിനർത്ഥം, ഓരോ ഗ്രാമപഞ്ചായത്തും തെരഞ്ഞെടുക്കേണ്ട ഗുണഭോക്താക്കളുടെ എണ്ണം ജില്ലാ, ബ്ലോക്ക് പഞ്ചായത്തുകൾ മുൻകൂട്ടി തീരുമാനിക്കേണ്ടി വരും എന്നാണ്. ഗുണഭോക്താക്കളുടെ എണ്ണം നിശ്ചയിക്കുന്നതിനുവേണ്ടി, ജില്ലാ, ബ്ലോക്ക് പഞ്ചായത്തുകൾ ആദ്യമേതന്നെ ടാർജറ്റ് പങ്കുവയ്ക്കുന്നതിനുള്ള വസ്തുനിഷ്ഠമായ മാനദണ്ഡങ്ങൾ ആവിഷ്ക്കരിക്കേണ്ടതാണ്.

ഈ മാനദണ്ഡങ്ങൾ പദ്ധതിയുടെ തരവുമായി ബന്ധപ്പെട്ടിരിക്കും. ഗ്രാമപഞ്ചായത്ത് നടപ്പിലാക്കുന്ന പദ്ധതികൾക്കുവേണ്ടി തെരഞ്ഞെടുക്കുന്ന ഗുണഭോക്താക്കളുടെ സംഗതിയിൽ, ഒരു പ്രത്യേക പദ്ധതിയിലേക്ക് ഓരോ വാർഡിനും വേണ്ട മുൻഗണനാലിസ്റ്റ് ഗ്രാമസഭ തയ്യാറാക്കുകയും അർഹതയ്ക്കും മുൻഗണനാക്രമത്തിനുമുള്ള മാനദണ്ഡങ്ങൾ അടിസ്ഥാനമാക്കി പഞ്ചായത്തുതലത്തിൽ തെരഞ്ഞെടുക്കുകയുമാണു വേണ്ടത്. വാർഡുതലത്തിൽ ടാർജറ്റ് ഉണ്ടാക്കാൻ പാടില്ല. ഗ്രാമസഭ തയ്യാറാക്കുന്ന മുൻഗണനാ ലിസ്റ്റിന്റെ അടിസ്ഥാനത്തിൽ ഗ്രാമപഞ്ചായത്തുതലത്തിൽ വേണം അർഹത കണക്കാക്കാൻ. എന്നിരുന്നാലും, പഞ്ചായത്തിന്, ആവശ്യമെന്നു കണ്ടാൽ, ഗ്രാമസഭ മുൻഗണനാക്രമം നൽകേണ്ടുന്ന നാമ നിർദ്ദേശങ്ങൾക്ക് ഒരു ഉയർന്ന പരിധി നിർണ്ണയിക്കാം. ഒരു വിധത്തിലും നാമനിർദ്ദേശങ്ങളുടെ ആകെ എണ്ണം ഗ്രാമപഞ്ചായത്തിന്റെ മൊത്തത്തിലുള്ള ടാർജറ്റിന്റെ ഇരട്ടിയിൽ കൂടാൻ പാടില്ല. മുൻഗണനാക്രമത്തിന്റെ വ്യക്തമായ മാനദണ്ഡങ്ങൾ മുൻകൂറായിത്തന്നെ നിർവചിച്ച് അവയുടെ അടിസ്ഥാനത്തിലായിരിക്കണം മുൻഗണനാലിസ്റ്റിൽ നിന്നും

തെരഞ്ഞെടുപ്പു നടത്തേണ്ടത്. ഗ്രാമസഭ നിജപ്പെടുത്തിയിട്ടുള്ള മുൻഗണനാക്രമം ആ പ്രദേശത്തെ സംബന്ധിച്ചിടത്തോളം സാധാരണ ഗതിയിൽ വ്യത്യാസപ്പെടുത്താൻ സാദ്ധ്യമല്ല.

ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കുന്നതിനുള്ള നടപടിക്രമം

1. **മാനദണ്ഡം കണക്കാക്കുന്നത്**-കേന്ദ്രവും സംസ്ഥാനവും സ്പോൺസർ ചെയ്യുന്ന പദ്ധതിയുടെ കാര്യത്തിൽ, ആ പദ്ധതിയുടെ മാർഗ്ഗനിർദ്ദേശങ്ങൾ അനുശാസിക്കുന്ന അർഹതാമാനദണ്ഡം പാലിക്കേണ്ടതാണ്. വിവിധ തലത്തിലുള്ള പഞ്ചായത്തുകൾ ആവിഷ്കരിക്കുന്ന സ്കീമുകളുടെ/പ്രോജക്ടുകളുടെ കാര്യത്തിൽ, ഡി.പി.സി. അംഗീകരിച്ച പ്രോജക്ടിൽ പറഞ്ഞിട്ടുള്ള പ്രകാരം ആ പഞ്ചായത്ത് അർഹതാമാനദണ്ഡം തീരുമാനിക്കേണ്ടതാണ്. ഈ പദ്ധതിയിൻ കീഴിൽ അർഹരായ എല്ലാ ഗുണഭോക്താക്കളെയും പരിഗണിക്കാൻ കഴിയാത്ത സാഹചര്യത്തിൽ, അർഹരായ ഗുണഭോക്താക്കളുടെ ഒരു ഹ്രസ്വലിസ്റ്റ് തയ്യാറാക്കുന്നതിനു പാലിക്കേണ്ട മുൻഗണനാമാനദണ്ഡം രേഖാമൂലം വ്യക്തമായിത്തന്നെ ഓരോ തലത്തിലുമുള്ള പഞ്ചായത്തുകൾ പ്രസ്താവിച്ചിരിക്കേണ്ടതാണ്. മുൻഗണനാമാനദണ്ഡം പ്രയോഗിക്കുമ്പോൾ, ഗ്രാമസഭകൾക്ക് ആവശ്യമെങ്കിൽ, ഓരോ മാനദണ്ഡവും വിശദമായി പരിശോധിച്ച് അവയെ ചിട്ടപ്പെടുത്താവുന്നതാണ്.

2. **പ്രചാരണം**:- അർഹതയ്ക്കും മുൻഗണനയ്ക്കുമുള്ള മാനദണ്ഡങ്ങൾക്കു വ്യാപകമായ പ്രചാരണം കൊടുക്കേണ്ടതാണ്. തെരഞ്ഞെടുക്കപ്പെട്ട വ്യക്തികൾ, ആസൂത്രണ പ്രസ്ഥാനത്തിലെ റിസോഴ്സ് പേഴ്സൺസ്, രാഷ്ട്രീയ പാർട്ടികളും അവരുടെ സംയോജിത സംഘടനകളും, സന്നദ്ധ സംഘടനകൾ, ഫീൽഡ് ഉദ്യോഗസ്ഥർ മുതലായവരിൽകൂടി പ്രചാരണം കൊടുക്കാം. പഞ്ചായത്ത് ഓഫീസിലും വില്ലേജ് ഓഫീസിലും ബന്ധപ്പെട്ട ഓഫീസുകളിലും മറ്റു പ്രധാന സ്ഥലങ്ങളിലും, പദ്ധതികളുടെ എണ്ണവും ഓരോ പദ്ധതിക്കുമുള്ള മാനദണ്ഡങ്ങളും തെരഞ്ഞെടുക്കപ്പെടേണ്ട ഗുണഭോക്താക്കളുടെ എണ്ണവും കാണിക്കുന്ന നോട്ടീസ് പ്രദർശിപ്പിക്കണം. ഇതിനായി പ്രത്യേക നോട്ടീസ് ബോർഡ് ഓരോ വാർഡിലും സ്ഥാപിക്കേണ്ടതാണ്. ലഘുലേഖകൾ അച്ചടിച്ചു വിതരണം ചെയ്യാം. പത്ര പ്രസ്താവനകളും പുറപ്പെടുവിക്കാവുന്നതാണ്.

3. **അപേക്ഷാഫാറം**- എല്ലാ പദ്ധതികൾക്കും അപേക്ഷാ ഫാറങ്ങൾ മലയാളത്തിലോ പ്രാദേശിക ഭാഷയിലോ തയ്യാറാക്കണം. അപേക്ഷാഫാറങ്ങൾ ലളിതമായിരിക്കണം. എന്നാൽ, അർഹതയും മുൻഗണനാക്രമവും സംബന്ധിച്ച മാനദണ്ഡങ്ങൾ ചേർത്തു തീരുമാനിക്കുന്നതിനാവശ്യമായ എല്ലാ വിശദാംശങ്ങളും ഉൾക്കൊള്ളിക്കുന്നതിനു വേണ്ട സൗകര്യമുണ്ടായിരിക്കുകയും വേണം. ഈ മാനദണ്ഡങ്ങൾ അപേക്ഷാഫോറത്തിന്റെ അനുബന്ധത്തിൽ പറഞ്ഞിരിക്കണം. ഗ്രാമസഭയ്ക്കു മുൻപ് ഒരു നിശ്ചിത കാലയളവിലും ഗ്രാമസഭ സമ്മേളിക്കുമ്പോഴും അപേക്ഷാഫാറം വിതരണം ചെയ്യേണ്ടതാണ്. സമാനമായ ഒരു കൂട്ടം പദ്ധതികൾക്ക് പൊതുവായ ഒരു അപേക്ഷാ ഫാറം തയ്യാറാക്കാവുന്നതാണ്.

4. **പരിശോധന**- അപേക്ഷാഫാറത്തിൽ പരിശോധനയ്ക്കുള്ള ഒരു പ്രോഫാർമാഫാറം ഉൾപ്പെടുത്തേണ്ടതാണ്. നാമനിർദ്ദേശം ചെയ്യപ്പെട്ട ഉദ്യോഗസ്ഥരിലൂടെയോ നാമനിർദ്ദേശം ചെയ്യപ്പെട്ട സബ് കമ്മിറ്റി മുഖാന്തിരമോ ഉള്ള ഒരു പരിശോധനാസംവിധാനത്തെപ്പറ്റി ഗ്രാമപഞ്ചായത്ത് തീരുമാനിക്കണം. മൂന്നു തരത്തിലുള്ള പരിശോധന സാധ്യമാണ്. ആദ്യമായി, പഞ്ചായത്ത് ഏർപ്പെടുത്തുന്ന ക്രമീകരണങ്ങൾ ഉപയോഗിച്ചു ഗ്രാമസഭമുമ്പാകെ സാധ്യമാവുന്നത്ര അപേക്ഷകളെപ്പറ്റി അന്വേഷിക്കണം. പിന്നീട്, പരിശോധന പൂർത്തിയാകാത്ത അപേക്ഷകളും ഗ്രാമസഭ കൂടുന്ന സ്ഥലത്തുവച്ച് അപ്പോൾ ലഭിക്കുന്ന അപേക്ഷകളും സബ് ഗ്രൂപ്പിന്റെ ചെയർപേഴ്സണും ഗ്രാമപഞ്ചായത്ത് ഇതിനായി നാമനിർദ്ദേശം ചെയ്ത ഉദ്യോഗസ്ഥനും ചേർന്ന് അന്വേഷിക്കണം. ഗ്രാമസഭ കൂടുമ്പോൾ വസ്തുതാപരമായ വിശദാംശങ്ങൾ ലഭ്യമല്ലെങ്കിൽ, നേരത്തെ പരിശോധനയ്ക്കു വേണ്ടി ചെയ്തിട്ടുള്ള അതേ സംവിധാനം തുടരേണ്ടതും വസ്തുതകൾ പരിശോധിക്കേണ്ടതുമാണ്. അത്തരം സംഗതികളിൽ റിപ്പോർട്ടിനു വിധേയമായി ഗ്രാമസഭ മുൻഗണനാലിസ്റ്റ് തയ്യാറാക്കേണ്ടതും ഇതു ഗ്രാമസഭയിൽ സ്പഷ്ടമായി വ്യക്തമാക്കേണ്ടതുമാണ്.

5. **ഗ്രാമസഭ** - അതിനുശേഷം ഉടൻതന്നെ ഗ്രാമസഭായോഗങ്ങൾ വിളിക്കണം. ഗ്രാമസഭയുടെ തുടക്കത്തിലും അപേക്ഷാഫാറങ്ങൾ വിതരണം ചെയ്യേണ്ടതുണ്ട്. പിന്നീട് മുമ്പു ലഭിച്ചതും സഭകൂടുന്ന സ്ഥലത്തു ലഭിച്ചതുമായ അപേക്ഷകളിൽ നിന്ന് അപേക്ഷകരുടെ ലിസ്റ്റ് തയ്യാറാക്കണം. യോഗ്യതാമാനദണ്ഡങ്ങളും മുൻഗണനാമാനദണ്ഡങ്ങളും ഗ്രാമസഭയ്ക്കു വിശദീകരിച്ചുകൊടുക്കേണ്ടതാണ്. അതിനുശേഷം വ്യത്യസ്ത മേഖലകളനുസരിച്ചു ഗ്രാമസഭയെ പലഗ്രൂപ്പുകളായി തിരിക്കുകയും ആ വിഷയഗ്രൂപ്പുകളിൽ അപേക്ഷകരുടെ മുൻഗണനാക്രമം ഉണ്ടാക്കുകയും ചെയ്യാം. പഞ്ചായത്ത് തീരുമാനിച്ച മാനദണ്ഡങ്ങൾക്കു പുറമെ യോഗ്യതാനിർണ്ണയം സംബന്ധിച്ച പ്രാദേശിക കാഴ്ചപ്പാടുമായി പൊരുത്തപ്പെടാൻ ഉപമാനദണ്ഡങ്ങളും മുൻഗണനാനിർണയത്തിനായി ഉണ്ടാക്കാവുന്നതാണ്. എല്ലാ അപേക്ഷകളും മാനദണ്ഡം അനുസരിച്ചു പരിശോധിക്കേണ്ടതും അഭിപ്രായ സമന്വയത്തോടെ മുൻഗണനാലിസ്റ്റ് തയ്യാറാക്കേണ്ടതുമാണ്. തരം തിരിവിനു യുക്തിപൂർവ്വമായ ഒരു മാർഗ്ഗവും ഇല്ലാത്തപക്ഷം എല്ലാവരും സമ്മതിക്കുകയാണെങ്കിൽ നറുക്കിടാവുന്നതാണ്. അയൽക്കൂട്ടങ്ങൾ നിലവിലുള്ള സ്ഥലങ്ങളിൽ ഗുണഭോക്താവിന്റെ യോഗ്യത പരിശോധിക്കാൻ പഞ്ചായത്തിന് അവയുടെ സേവനം ഉപയോഗിക്കാം.

പട്ടികവർഗ ഉപപദ്ധതിയിൻ കീഴിലുള്ള ഗുണഭോക്താക്കളെ ലക്ഷ്യമാക്കിയുള്ള സ്കീമുകളുടെ സംഗതിയിൽ തെരഞ്ഞെടുപ്പ് പൊതു ഗ്രാമസഭയിൽ വച്ചു നടത്താൻ പാടില്ല. വാർഡിലെ എല്ലാ പട്ടികവർഗ്ഗ

കുടുംബങ്ങളും ഉൾപ്പെട്ട വിശേഷാൽ ഗ്രാമസഭ വിളിക്കേണ്ടതും ആ വാർഡിലെ എല്ലാ പട്ടികവർഗ്ഗ സെറ്റിൽമെന്റുകളിൽ നിന്നുമുള്ള പട്ടികവർഗ്ഗ കുടുംബങ്ങളുടെ ഈ പൊതുയോഗം തെരഞ്ഞെടുപ്പ് നടത്തേണ്ടതുമാണ്.

6. **ഗുണഭോക്താക്കളുടെ തെരഞ്ഞെടുപ്പ്** - ഓരോ വാർഡിലെയും മുൻഗണനാക്രമ ലിസ്റ്റിനോടൊപ്പം, വസ്തുതകളുടെ പരിശോധന പൂർത്തിയാക്കിയതിനുശേഷം മുൻഗണനാക്രമത്തിന്റെ വ്യക്തമായ മാനദണ്ഡങ്ങൾ അടിസ്ഥാനമാക്കി ഗ്രാമപഞ്ചായത്തിനു മൊത്തത്തിൽ ഒരു പട്ടിക തയ്യാറാക്കേണ്ടതാണ്. ഇതു ഗ്രാമപഞ്ചായത്തു കമ്മിറ്റി യോഗത്തിലാണു തയ്യാറാക്കേണ്ടത്. ആ വിശേഷാൽ യോഗത്തിൽ പ്രാദേശിക മാധ്യമ പ്രവർത്തകർക്കും പൊതുജനങ്ങൾക്കും പ്രവേശനം നൽകണം.

ഒരിക്കൽ ഗ്രാമപഞ്ചായത്ത് ലിസ്റ്റിന് അന്തിമരൂപം നല്കിയാൽ മുൻഗണനാക്രമത്തിലും മുൻഗണനാക്രമത്തിന് അടിസ്ഥാനമായ ഘടകങ്ങളെ സൂചിപ്പിച്ചുകൊണ്ടും പട്ടിക രൂപത്തിലാക്കി കരടായി പ്രസിദ്ധീകരിക്കേണ്ടതാണ്.

കരടുലിസ്റ്റിന്മേൽ എന്തെങ്കിലും ആക്ഷേപം ലഭിക്കുകയാണെങ്കിൽ, ആവശ്യമെങ്കിൽ കൂടുതൽ പരിശോധന നടത്തിയതിനുശേഷം ഗ്രാമപഞ്ചായത്ത് അതു പരിഗണിക്കേണ്ടതും അതു സ്വീകരിക്കുകയോ തള്ളിക്കളയുകയോ ചെയ്യുന്നതിനുള്ള അഭിപ്രായം രേഖപ്പെടുത്തേണ്ടതുമാണ്. അതിനുശേഷം, അന്തിമ ലിസ്റ്റ് പ്രസിദ്ധപ്പെടുത്തണം. ബ്ലോക്കു പഞ്ചായത്തിന്റെയും ജില്ലാ പഞ്ചായത്തിന്റേയും കാര്യത്തിൽ അന്തിമലിസ്റ്റ്, എല്ലാ അപേക്ഷകളോടും തെരഞ്ഞെടുപ്പുമായി ബന്ധപ്പെട്ട എല്ലാ രേഖകളോടും കൂടി ഗ്രാമപഞ്ചായത്ത് അന്തിമ തീരുമാനമെടുക്കുന്നതിനായി അവർക്ക് അയച്ചുകൊടുക്കേണ്ടതാണ്. ഗ്രാമപഞ്ചായത്തു നൽകുന്ന ലിസ്റ്റുകൾ ആക്ഷേപം എന്തെങ്കിലും ഉണ്ടെങ്കിൽ ബോധിപ്പിക്കുന്നതിനുവേണ്ടി കരടു രൂപത്തിൽ, ജില്ലാ പഞ്ചായത്തും ബ്ലോക്കു പഞ്ചായത്തും പ്രസിദ്ധപ്പെടുത്തണം. ജില്ലാ പഞ്ചായത്തിലും അല്ലെങ്കിൽ ബ്ലോക്കു പഞ്ചായത്തിലും ബന്ധപ്പെട്ട ഗ്രാമപഞ്ചായത്തിലും ഒരേ സമയം ഇതു പ്രസിദ്ധപ്പെടുത്തേണ്ടതാണ്. ആക്ഷേപങ്ങൾ തീർപ്പാക്കിയിട്ടേ ലിസ്റ്റ് അന്തിമമാക്കാൻ പാടുള്ളൂ.

7. **സുതാര്യത**- എല്ലാ രേഖകളും അതായത്, അപേക്ഷാ ഫാറങ്ങൾ, പരിശോധനാ റിപ്പോർട്ടുകൾ, അന്വേഷണ റിപ്പോർട്ടുകൾ, തീരുമാനമെടുത്ത മിനുട്സുകൾ എല്ലാംതന്നെ പൊതു രേഖകളായിരിക്കുന്നതും ഇത് എല്ലാവർക്കും ലഭ്യമാകുന്നതും എല്ലാവർക്കും ഇതിന്റെ പകർപ്പുകൾ എടുക്കാവുന്നതുമാണ്. തെരഞ്ഞെടുത്തതിനുശേഷം അടുത്ത ഗ്രാമസഭായോഗത്തിൽ, ആ ഗ്രാമസഭയുമായി ബന്ധപ്പെട്ട തെരഞ്ഞെടുത്ത ലിസ്റ്റ് മതിയായ ന്യായീകരണത്തോടുകൂടി നല്കണം. ഗ്രാമസഭയുടെ അഭിപ്രായങ്ങൾ രേഖപ്പെടുത്താം. അനർഹമായ ഒരു തെരഞ്ഞെടുക്കലിനു ഗുണഭോക്താവോ അന്വേഷണ ഉദ്യോഗസ്ഥനോ തിരഞ്ഞെടുക്കുന്ന അധികാരസ്ഥനോ ഉത്തരവാദിയാണെന്നു പിന്നീടു തെളിഞ്ഞാൽ പലിശയോടുകൂടി ചെലവ് തിരിച്ചടയ്ക്കുന്നതിന് അപ്രകാരമുള്ള വ്യക്തിയോ വ്യക്തികളോ ബാധ്യസ്ഥരായിരിക്കും.

ബി. മുനിസിപ്പൽ ബോഡികൾക്കുവേണ്ടി

മുനിസിപ്പാലിറ്റികളുടെയും മുനിസിപ്പൽ കോർപ്പറേഷനുകളുടേയും കാര്യത്തിൽ, പഞ്ചായത്ത് രാജ് സ്ഥാപനങ്ങളുടെ സംഗതിയിൽ നിർദ്ദേശിച്ചിട്ടുള്ള നടപടിക്രമങ്ങൾ ആവശ്യമായ ഭേദഗതികളോടുകൂടി ബാധകമായിരിക്കും. ഗ്രാമസഭകളുടെ സ്ഥാനത്തു വാർഡു കമ്മിറ്റികളായിരിക്കും ചുമതല നിർവ്വഹിക്കേണ്ടത്. ഗ്രാമപ്രദേശങ്ങളിൽ സാധാരണ കാണുന്ന സുദൃഢബന്ധങ്ങളോ സഭാവൈകരൂപ്യമോ നഗരപ്രദേശങ്ങളിൽ ഉണ്ടാകണമെന്നില്ല. അതുകൊണ്ട്, വിവിധ പദ്ധതികൾക്കുള്ള അപേക്ഷകൾ മുൻപു പ്രതിപാദിച്ച രീതിയിൽ പ്രചുരപ്രചരണം നൽകി മുൻക്കൂട്ടി ക്ഷണിക്കണം. വാർഡുകമ്മിറ്റികൾക്കും സി.ഡി.എസ്. സംഘടനകൾക്കും റസിഡന്റ് അസോസിയേഷനുകൾക്കും ഗുണഭോക്താക്കളെ തെരഞ്ഞെടുക്കുന്ന അറിയിപ്പു മുൻകൂറായി നൽകേണ്ടതാണ്. പത്രക്കുറിപ്പുകളും അവശ്യം ഇറക്കണം.

എല്ലാ അപേക്ഷകളും കിട്ടിയതിനുശേഷം, അപേക്ഷയിൽ സൂചിപ്പിച്ചിരിക്കുന്ന വസ്തുതകളെ സംബന്ധിച്ച് ഒരു വിശദമായ പരിശോധന നടത്തേണ്ടതാണ്. ഈ പരിശോധനാ റിപ്പോർട്ടിന്റെയും അർഹതയ്ക്കും മുൻഗണനയ്ക്കുമുള്ള മാനദണ്ഡങ്ങളുടേയും അടിസ്ഥാനത്തിൽ വാർഡുകമ്മിറ്റി ഒരു മുൻഗണനാലിസ്റ്റ് തയ്യാറാക്കേണ്ടതാണ്. ദാരിദ്ര്യനിർമ്മാർജ്ജന പരിപാടികളുടെ കാര്യത്തിൽ ഏര്യാ വികസന സമിതികളുടെ വ്യക്തമായ ശുപാർശകൾ ആവശ്യപ്പെടേണ്ടതും അവ വാർഡുകമ്മിറ്റി മുമ്പാകെ വയ്ക്കേണ്ടതുമാകുന്നു. വാർഡ് കമ്മിറ്റി യോഗത്തിൽ, അർഹതയുള്ള എല്ലാ അപേക്ഷകരെയും വിളിക്കേണ്ടതും പരിശോധനാപ്രക്രിയാവേളയിൽ വെളിവാക്കപ്പെടുന്ന വസ്തുതകൾ കണക്കിലെടുത്തു മുൻഗണനാ മാനദണ്ഡം അടിസ്ഥാനമാക്കി അവരുടെ സാന്നിദ്ധ്യത്തിൽ തന്നെ മുൻഗണനാക്രമം നിശ്ചയിക്കേണ്ടതുമാണ്.

AIDED SCHOOL TEACHERS-LEAVE

[General Education (J) Department, G.O. (P) 28/98/G. Edn., Tvpm., Dated, 16.1.1998]

Abstract:- General Education-Aided School teachers-Leave-Presidents/Chairman/Chairpersons/members of the local bodies under the Kerala Panchayat Raj Act, 1994 and Kerala Municipalities Act, 1994-Sanctioned-Orders issued.

Read :- Letter No.H4/77646/96/DPI dated.14.3.1997 from the Director of Public Instruction.

ORDER

Government are pleased to order that Aided School teachers elected as;

i. Presidents/Chairmen/Chairpersons of local bodies constituted under the Kerala Panchayat Raj Act, 1994 and the Kerala Municipalities Act, 1994 will be granted special leave without pay for attending their duties under the Kerala Panchayat Raj Act / Kerala Municipalities Act for one entire academic year at a time or part thereof or for the entire period of their holding such office. The period of such leave will be counted for increments, higher scale of pay and pension, but not for leave, if so requested.

ii. Presidents/Chairmen/Chairpersons of local bodies constituted under the Kerala Panchayat Raj Act 1994 and Kerala Municipalities Act 1994 and chairmen/chairpersons of standing committees constituted under such local bodies will be granted duty leave upto 20 days in an academic year without detrimental to their duties and responsibilities being a teacher in the school and to the academic interest of the students fo attending to the meetings of the concerned local bodies.

iii. The members of the local bodies constituted under the Kerala Panchayat Raj Act 1994 and Kerala Municipalities Act 1994, will be granted duty leave upto 15 days in an academic year without detrimental to their duties and responsibilities being a teacher in the school and to the academic interest of the students for attending to the meeting of the concerned local bodies.

2. The Director of Public Instruction will forward necessary proposals for the formal amendment of Rule 56, Chapter XIV A, Kerala Education Rules.

ഗ്രാമ, ബ്ലോക്ക്, ജില്ലാപഞ്ചായത്ത് പ്രസിഡന്റുമാർക്ക് ഒരു സമയത്ത് ചെലവാക്കാവുന്ന കണ്ടിൻജന്റ് ചെലവുകളുടെ പരിധി സംബന്ധിച്ച്

[തദ്ദേശഭരണ (എൻ) വകുപ്പ്, സ.ഉ: (എം.എസ്) നം. 107/98/തഭവ., തിരുവനന്തപുരം, തീയതി 27-5-98]

പരാമർശം:- 18-1-97-ലെ സ.ഉ: (എം.എസ്) 18/97/തഭവ. നമ്പർ ഉത്തരവ്

ഉത്തരവ്

1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് (1994-ലെ 13) 156-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പ് (സി) ഖണ്ഡപ്രകാരം ഗ്രാമ, ബ്ലോക്ക്, ജില്ലാപഞ്ചായത്ത് പ്രസിഡന്റുമാർക്ക് ഒരു സമയത്ത് ചെലവാക്കാവുന്ന കണ്ടിൻജന്റ് ചെലവുകളുടെ പരിധി യഥാക്രമം 5,000 രൂപ, 7,500 രൂപ, 10,000 രൂപ ആയി നിശ്ചയിച്ചുകൊണ്ട് പരാമർശത്തിലെ ഉത്തരവ് പ്രകാരം ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുള്ളതാണ്. അതനുസരിച്ച് ചെലവാക്കുന്ന കണ്ടിൻജന്റ് ചെലവുകൾ താഴെപ്പറയുന്ന ആഫീസ് കാര്യങ്ങൾക്ക് വേണ്ടിയുള്ളതായിരിക്കണമെന്ന് വ്യക്തമാക്കിക്കൊണ്ട് സർക്കാർ ഉത്തരവാകുന്നു.

1. ഔദ്യോഗിക പത്രപരസ്യങ്ങൾ ടെണ്ടർ, നോട്ടീസ്, ക്വട്ടേഷൻ മുതലായവ.
2. സൈക്കിളുകൾ വാങ്ങലും കേടുപാടുകൾ തീർക്കലും
3. പുസ്തകങ്ങളും ആനുകാലിക പ്രസിദ്ധീകരണങ്ങളും ബയന്റ് ചെയ്യൽ
4. ഓഫീസ് ഉപയോഗത്തിനുള്ള പുസ്തകങ്ങൾ വാങ്ങൽ.
5. ക്ലോക്കുകൾ വാങ്ങലും കേടുപാട് തീർക്കലും
6. മണിയോർഡർ കമ്മീഷനും പാർസൽ ചാർജും
7. വാഹനവാടക
8. ഡെമറേജ് ചാർജ്
9. ബൾബുകൾ, ട്യൂബുകൾ മുതലായവ സ്ഥാപിക്കൽ
10. വൈദ്യുതി ചാർജും വെള്ളത്തിനുള്ള ചാർജും
11. ആഫീസ് ഉപകരണങ്ങൾ വാങ്ങലും അവയുടെ അറ്റകുറ്റപ്പണികളും
12. ഫോറങ്ങൾ, രജിസ്റ്ററുകൾ എന്നിവ വാങ്ങുകയും അച്ചടിപ്പിക്കുകയും ചെയ്യൽ
13. ആഫീസ് ഫർണിച്ചർ വാങ്ങുകയും അറ്റകുറ്റപ്പണികൾ നടത്തുകയും ചെയ്യൽ
14. അയേൺ സേഫ് വാങ്ങുകയും അറ്റകുറ്റപ്പണികൾ നടത്തുകയും ചെയ്യൽ
15. ഭൂപടങ്ങൾ, പ്ലാൻ, ചാർട്ടുകൾ, രേഖാചിത്രങ്ങൾ തുടങ്ങിയവ തയാറാക്കൽ.
16. നോട്ടീസ് ബോർഡുകളും നെയിംബോർഡുകളും ചൂണ്ടുപലകകളും സ്ഥാപിക്കുകയും വെച്ചു പോരുകയും ചെയ്യൽ.
17. പാഡ്‌ലോക്കുകളും പൂട്ടുകളും മറ്റും വാങ്ങലും കേടുപാട് തീർക്കലും

18. സ്വീപ്പിംഗ് ചാർജ്
19. ആനുകാലിക പത്രങ്ങൾ വാങ്ങൽ
20. മഹാത്മാഗാന്ധിയുടെയും രാഷ്ട്രപതിയുടെയും പ്രധാനമന്ത്രിയുടെയും ഛായാപടങ്ങൾ സ്ഥാപിക്കൽ
21. പോസ്റ്റർ ചാർജ്
22. അച്ചടി ചാർജ്
23. കെട്ടിട വാടക
24. ശുചീകരണത്തിനുള്ള ഉപകരണങ്ങൾ വാങ്ങൽ
25. റബർ സ്റ്റാമ്പുകൾ വാങ്ങൽ
26. സ്റ്റേഷനറി സാധനങ്ങൾ വാങ്ങൽ
27. പത്രങ്ങൾ വാങ്ങൽ
28. ടെലഗ്രാം ചാർജ്, ടെലക്സ് ചാർജ്, ടെലഫോൺ ചാർജ്
29. നോട്ടീസ്, ഉച്ചഭാഷിണി എന്നിവ വഴിയുള്ള പരസ്യങ്ങൾ
30. ട്രാൻസ്പോർട്ട് ചാർജ്
31. ടൈപ്പിംഗ്, ഫോട്ടോ കോപ്പിയിംഗ് ചാർജുകൾ
32. ജീവനക്കാർക്കുള്ള യൂണിഫോം തുണി വാങ്ങൽ
33. വാഹനങ്ങൾക്കുള്ള ഇന്ധനം വാങ്ങൽ
34. വാഹനങ്ങളുടെ അറ്റകുറ്റപ്പണികൾ നടത്തൽ
35. അലക്ക് കൂലി
36. കമ്മറ്റി യോഗങ്ങളിൽ ലഘുഭക്ഷണം വിതരണം ചെയ്യൽ
37. മറ്റ് പലവക ആഫീസ് ചെലവുകൾ.

2. മേൽപറഞ്ഞ കണ്ടിൻജന്റ് ചെലവുകൾ ചെയ്യുന്നത് പഞ്ചായത്ത് ബജറ്റിൽ ആവശ്യമായ ഫണ്ടിന്റെ ലഭ്യതയ്ക്ക് വിധേയമായിരിക്കേണ്ടതും ചെലവുകളുടെ വിശദവിവരം തൊട്ടടുത്ത് ചേരുന്ന പഞ്ചായത്ത് യോഗത്തിൽ സെക്രട്ടറി അറിയിക്കേണ്ടതുമാണ്.

തെരഞ്ഞെടുക്കപ്പെട്ട ജോലിയുള്ള അംഗങ്ങൾക്ക് ഓണറേറിയം സംബന്ധിച്ച്

[തദ്ദേശഭരണ (പി) വകുപ്പ്, സ. ഉ. (എം. എസ്) 233/98/തഭവ, തിരുവനന്തപുരം, തീയതി: 31-10-98]

സംഗ്രഹം:- തദ്ദേശഭരണ വകുപ്പ് - അധികാരവികേന്ദ്രീകരണ സമിതിയുടെ അന്തിമ റിപ്പോർട്ട് - ശുപാർശകൾ - തെരഞ്ഞെടുക്കപ്പെട്ട അംഗങ്ങൾക്ക് പ്രതിമാസ ഓണറേറിയം - നിരക്കുകൾ പുതുക്കി നിശ്ചയിച്ചുകൊണ്ട് ഉത്തരവ് - ജോലിയുള്ളവർക്ക് ഓണറേറിയം പുനഃസ്ഥാപിച്ചുകൊണ്ട് - ഭേദഗതി - ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1) 12-12-'95ലെ ജി.ഒ. (എം.എസ്) നം. 299/95/തഭവ. നമ്പർ സർക്കാർ ഉത്തരവ്.
2) 31-8-'98ലെ ജി.ഒ. (എം.എസ്) 180/98/തഭവ. നമ്പർ സർക്കാർ ഉത്തരവ്.
3) 3-10-'98ലെ ജി.ഒ. (എം.എസ്) 199/98/തഭവ നമ്പർ സർക്കാർ ഉത്തരവ്.

ഉത്തരവ്

1994-ലെ കേരള പഞ്ചായത്ത് രാജ്/കേരള മുനിസിപ്പാലിറ്റി ആക്റ്റുകളുടെ അടിസ്ഥാനത്തിൽ അധികാര വികേന്ദ്രീകരണ നടപടികൾ ഫലപ്രദമാക്കുന്നതിന് നിയമിച്ച അധികാരവികേന്ദ്രീകരണ കമ്മിറ്റി ശുപാർശ ചെയ്ത പ്രകാരം സംസ്ഥാനത്തെ തദ്ദേശഭരണ സ്ഥാപനങ്ങളിലെ തെരഞ്ഞെടുക്കപ്പെട്ട ജനപ്രതിനിധികളുടെ ഓണറേറിയം നിരക്കുകൾ 1-8-1998 മുതൽ വർദ്ധിപ്പിച്ചുകൊണ്ട് പരാമർശം രണ്ടുപ്രകാരം സർക്കാർ ഉത്തരവ് പുറപ്പെടുവിക്കുകയുണ്ടായി. ടി ഉത്തരവിലെ മൂന്നാം ഖണ്ഡികയിൽ വേറെ എവിടെയെങ്കിലും ജോലിയുള്ളവർക്ക് സിറ്റിംഗ് ഫീസിന് മാത്രമേ അർഹത ഉണ്ടായിരിക്കുകയുള്ളൂ. എന്ന് അനുശാസിക്കുന്നു. ഈ നിബന്ധന പുനഃപരിശോധിക്കണമെന്ന് വിവിധ പഞ്ചായത്ത്/മുനിസിപ്പാലിറ്റി മെമ്പർമാർ സർക്കാരിനോടഭ്യർത്ഥിച്ചിട്ടുണ്ട്.

2. സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിച്ചു. വേറെ എവിടെയെങ്കിലും ജോലിയുള്ളവർക്ക് ഓണറേറിയത്തിന് അർഹതയില്ല എന്ന ഉത്തരവ് തൽക്കാലം പ്രാവർത്തികമാക്കേണ്ടതില്ലെന്നും ഇക്കാര്യത്തിൽ ഒരു അന്തിമ തീരുമാനമുണ്ടാകുന്നതുവരെ പരാമർശം ഒന്നിലെ സർക്കാർ ഉത്തരവിൽ അനുശാസിക്കുംപ്രകാരമുള്ള നിബന്ധനകളോടെ പുതുക്കിയ നിരക്കിലുള്ള ഓണറേറിയത്തിന് തെരഞ്ഞെടുക്കപ്പെട്ട എല്ലാ അംഗങ്ങൾക്കും അർഹതയുണ്ടായിരിക്കുന്നതാണെന്നും ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

3. ഈ ഭേദഗതിയോടെ പരാമർശം രണ്ടിലെയും മൂന്നിലെയും സർക്കാർ ഉത്തരവുകൾ നിലനിൽക്കുന്നതുമാണ്.

ഐ. സി. ഡി. എസ്. സൂപ്പർവൈസർമാരുടെ സേവനം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് വിന്യസിപ്പിച്ച് കൊണ്ട് ഉത്തരവാകുന്നു

[ഉത്തരവ് നമ്പർ. ഇ3-37086/98, തിരുവനന്തപുരം, തീയതി: 12-11-98]

വിഷയം: സാമൂഹ്യക്ഷേമ വകുപ്പ് - ജീവനക്കാര്യം - ഐ. സി. ഡി. എസ്. സൂപ്പർവൈസർമാരുടെ സേവനം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് വിന്യസിപ്പിച്ച് കൊണ്ട് ഉത്തരവാകുന്നു.

പരാമർശം: 1. ജി.ഒ. (പി) 20/98/സാ. ക്ഷേ.വ. തീയതി 26-6-98

2. ജി.ഒ.(പി) 189/95 തഭവ തീയതി: 18-9-95.

സംയോജിത ശിശുവികസന പദ്ധതിയുടെ കീഴിലുള്ള അംഗൻവാടികളുടെ മേൽനോട്ടം തദ്ദേശ സ്വയം ഭരണ സ്ഥാപനങ്ങൾക്ക് പരാമർശിച്ച സർക്കാർ ഉത്തരവ് പ്രകാരം കൈമാറ്റം ചെയ്തിട്ടുണ്ട്. അംഗൻവാടി കേന്ദ്രങ്ങളിലൂടെയുള്ള പ്രീപ്രൈമറി വിദ്യാഭ്യാസം, ഉച്ചഭക്ഷണം, പൂരകപോഷകാഹാരം എന്നിവയുടെ വിത രണം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്കായിരിക്കേ അവയുടെ പ്രവർത്തനം ഏകോപിപ്പിക്കുന്നതിനും തദ്ദേശസ്വയംഭരണസ്ഥാപനങ്ങളുമായി ബന്ധപ്പെട്ട് ഈ കാര്യങ്ങൾ അവലോകനം ചെയ്യുന്നതിനായി ചുവടെ പറയുന്ന കാര്യങ്ങൾ ഉടൻ പ്രാബല്യത്തിൽ വരത്തവിധം ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

(1) എല്ലാ ശിശു വികസന പദ്ധതി ആഫീസർമാരും അവരുടെ കീഴിലുള്ള ഐ.സി.ഡി.എസ്. സൂപ്പർവൈ സറുടെ സേവനം ഓരോ പഞ്ചായത്തിന് വിട്ടുകൊടുക്കേണ്ടതാണ്.

(2) യു. എസ്സ്. എൻ. പി. പ്രോജക്ടാഫീസർമാർ തങ്ങളുടെ കീഴിലുള്ള ചൈൽഡ് വെൽഫെയർ ഇൻസ്പെ ക്ടർമാരുടെ സേവനം ബന്ധപ്പെട്ട കോർപ്പറേഷൻ, മുൻസിപ്പാലിറ്റി ഇവയിലേക്ക് വിന്യസിപ്പിയ്ക്കേണ്ടതാണ്.

(3) അർബൻ പ്രോജക്റ്റിലെ ശിശു വികസന പദ്ധതി ഓഫീസർമാർ ബന്ധപ്പെട്ട തദ്ദേശസ്വയംഭരണ സ്ഥാപന മേധാവികളുമായി ബന്ധപ്പെട്ട് വാർഡുകളുടെ അടിസ്ഥാനത്തിൽ സൂപ്പർവൈസർമാരുടെ സേവനം വിട്ടുകൊടുക്കേണ്ടതാണ്.

(4) നഗര പ്രദേശങ്ങളിലും ഗ്രാമപ്രദേശങ്ങളിലുമായി വ്യാപിച്ച് കിടക്കുന്ന ഐ.സി.ഡി.എസ്. പ്രോജ ക്ടിൻ കീഴിലെ അംഗൻവാടികളിൽ വാർഡുകളുടെ അടിസ്ഥാനത്തിൽ സൂപ്പർവൈസർമാരുടെ സേവനം വിന്യസിപ്പിയ്ക്കേണ്ടതാണ്മ്.

(5) ഓരോ ബ്ളോക്കിന്റെയും കീഴിലുള്ള ഓരോ പഞ്ചായത്തിലേയ്ക്കും ഒരു സൂപ്പർവൈസർ എന്ന കണക്കിൽ അവരുടെ സേവനം ലഭ്യമാക്കാൻ കഴിയാതെ വന്നാൽ ഒന്നിലധികം പഞ്ചായത്തുകളിലേയ്ക്ക് ഒരാളുടെ സേവനം ലഭ്യമാക്കണം.

(6) ഒരു ബ്ലോക്കിന്റെ കീഴിൽ ഉള്ള - പഞ്ചായത്തുകളുടെ എണ്ണത്തെക്കാൾ കൂടുതൽ സൂപ്പർവൈ സർമാരുണ്ടെങ്കിൽ ഒരു പഞ്ചായത്തിന് ഒന്നിലധികം സൂപ്പർവൈസറുടെ സേവനം ലഭ്യമാക്കണം.

മേൽവിവരിച്ച നിർദ്ദേശങ്ങൾക്കനുസരിച്ച് ബന്ധപ്പെട്ട ആഫീസ് മേധാവികൾ ഉത്തരവ് പുറപ്പെടുവി ക്കേണ്ടതും, ടി. ഉത്തരവിന്റെ പകർപ്പും, ഇക്കാര്യത്തിൽ സ്വീകരിച്ച നടപടിയുടെ വിശദമായ റിപ്പോർട്ടും ബന്ധപ്പെട്ട തദ്ദേശ സ്വയംഭരണ സ്ഥാപന മേധാവികളെ അറിയിക്കേണ്ടതും അവയുടെ പകർപ്പ് സാമൂഹ്യ ക്ഷേമ വകുപ്പ് അഡീഷണൽ ഡയറക്ടറുടെ പേര് രേഖപ്പെടുത്തിയ കവറിൽ ഒരാഴ്ചക്കുള്ളിൽ ലഭ്യമാക്കേ ണ്ടതുമാണ്.

ഐ. സി. ഡി. എസ്. സൂപ്പർ വൈസർമാരുടെ സേവനം തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് കൈമാറിക്കൊണ്ട് ഭേദഗതി ഉത്തരവ്

വിഷയം: സാമൂഹ്യക്ഷേമവകുപ്പ് - ജീവനക്കാര്യം - ഐ. സി. ഡി. എസ്. സൂപ്പർ വൈസർമാരുടെ സേവനം തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് കൈമാറിയത് ഭേദഗതി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. ഈ കാര്യാലയത്തിലെ ഇതേ നമ്പരായുള്ള 12-11-98 ലെ ഉത്തരവ്.

2. സാമൂഹ്യക്ഷേമ വകുപ്പ് കേന്ദ്ര മന്ത്രാലയത്തിന്റെ എഫ്. 13-1384 സി.ഡി. നമ്പരായുള്ള 3- 8-84-ലെ കത്ത്.

ഉത്തരവ് നമ്പർ ഇ 3-37086/98 തീയതി 16-12-98

ഒന്നാം പരാമർശിത ഉത്തരവ് പ്രകാരം ഐ. സി. ഡി. എസ്. സൂപ്പർവൈസർമാരുടെ സേവനം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലേക്ക് വിന്യസിപ്പിച്ച്കൊണ്ട് ഉത്തരവായിരുന്നു. പ്രസ്തുത ഉത്തരവ് നടപ്പിലാ ക്കിയത് വഴി ചുവടെ പറയുന്ന ചില അപാകതകൾ ഉത്തരവ് നടപ്പിലാക്കിയ ആഫീസർമാർക്ക് സംഭവിച്ച തായി വകുപ്പിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു.

ഐ. സി. ഡി. എസ്. പ്രോജക്ടുകളുടെ പദ്ധതി നടത്തിപ്പു അവലോകനം ചെയ്ത അവസരത്തിൽ ഐ. സി. ഡി. എസ്. സൂപ്പർ വൈസർമാരുടെ സേവനങ്ങൾ മാതൃശിശുസംരക്ഷണ പരിപാടികൾക്കല്ലാതെ മറ്റ് കാര്യങ്ങൾക്കായി തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾ വിനിയോഗിക്കുന്നതായും, ഐ. സി. ഡി. എസ്.

പദ്ധതി വിഭാവനം ചെയ്തിരിക്കുന്ന രീതിയിൽ പദ്ധതിയുടെ ലക്ഷ്യപ്രാപ്തി കൈവരിക്കുന്ന പ്രവർത്തനങ്ങൾക്കു സൂപ്പർവൈസർമാരുടെ സേവനം ലഭിക്കുന്നില്ലായെന്നും ശ്രദ്ധയിൽപെട്ടിരിക്കുന്നു.

മേൽവിവരിച്ച സാഹചര്യങ്ങളുടെയും പരാമർശം രണ്ടിലെ കത്തിലെ ഒന്ന് മുതൽ എട്ട് വരെയുള്ള നിർദ്ദേശങ്ങളുടെയും അടിസ്ഥാനത്തിൽ ചുവടെ വിവരിക്കുന്ന നിർദ്ദേശങ്ങൾ കൂടെ ഉൾക്കൊള്ളിച്ച്കൊണ്ട് ഒന്നാം പരാമർശിത ഉത്തരവിന് ഭേദഗതി വരുത്തിക്കൊണ്ട് ഉത്തരവാകുന്നു.

1. ശിശുവികസന പദ്ധതി ആഫീസർമാർ/യു. എസ്. എൻ. പി. പ്രോജക്റ്റ് ആഫീസർമാർ ബന്ധപ്പെട്ട സൂപ്പർവൈസർമാരുടെ/ചൈൽഡ് വെൽഫെയർ ഇൻസ്പെക്ടർമാരുടെ സേവനം മാത്രം പഞ്ചായത്തിന് കൈമാറേണ്ടതും എന്നാൽ ജീവനക്കാരെ ആഫീസിൽനിന്ന് വിടുതൽ ചെയ്യാൻ പാടില്ലാത്തതുമാകുന്നു.

2. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്കു സേവനം വിട്ടുകൊടുക്കപ്പെട്ട സൂപ്പർവൈസർമാരുടെ സേവനം എപ്പോഴും മാതൃശിശുസംരക്ഷണ പരിപാടികൾക്കായി മാത്രമേ വിനിയോഗിക്കാൻ പാടുള്ളൂ. ഈ കാര്യത്തിൽ ബന്ധപ്പെട്ട ആഫീസ് മേധാവികൾ പ്രത്യേകം ശ്രദ്ധ ചെലുത്തേണ്ടതാണ്.

തദ്ദേശഭരണവകുപ്പ്-കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് 94 അധികാരവികേന്ദ്രീകരണം-ആരോഗ്യവകുപ്പിൽനിന്നും തദ്ദേശഭരണ സ്ഥാപനങ്ങൾക്ക് കൂടുതലായി കൈമാറുന്ന അധികാര/അവകാശങ്ങൾ-ജില്ലാ പഞ്ചായത്തുകൾക്ക് കൈമാറുന്നവ സംബന്ധിച്ച്

[തദ്ദേശഭരണ (പി) വകുപ്പ്, ജി.ഒ.(പി) 184/99/തഭവ., തീയതി, തിരുവനന്തപുരം, 27.9.1999]

പരാമർശം:
1. 18.9.95 ലെ സ.ഉ (പി) 189/95/തഭവ. നമ്പർ സർക്കാർ ഉത്തരവ്
2. 23.12.95 ലെ ജി.ഒ.(പി) 566/95/ആകുവ. നമ്പർ സർക്കാർ ഉത്തരവ്.
3. 1999 ലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ആക്ട്
4. 2.7.99 ലെ സ.ഉ (അ) 272/99/ആകുവ. നമ്പർ സർക്കാർ ഉത്തരവ്

ഉത്തരവ്

1994 ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ് നിലവിൽ വന്നതോടെ സർക്കാരിൽ നിക്ഷിപ്തമായിരുന്ന പല അധികാരങ്ങളും സ്ഥാപനങ്ങളും പദ്ധതികളും ചുമതലകളും സംസ്ഥാനത്തെ വിവിധ തദ്ദേശഭരണ സ്ഥാപനങ്ങൾക്ക് കൈമാറ്റം ചെയ്തുകൊണ്ട് പരാമർശം ഒന്നുപ്രകാരം സർക്കാർ ഉത്തരവ് പുറപ്പെടുവിക്കുകയും തുടർന്ന് പരാമർശം 2 പ്രകാരം ആരോഗ്യവകുപ്പിൽ നിന്നും തദ്ദേശഭരണ സ്ഥാപനങ്ങൾക്ക് കൈമാറുന്ന അധികാര അവകാശങ്ങൾ സംബന്ധിച്ച പൊതുവായ മാർഗ്ഗ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുകയുമുണ്ടായി. ആരോഗ്യവകുപ്പിലെ സ്ഥാപനങ്ങളുടെ ഭരണചുമതല ജില്ലാ പഞ്ചായത്തുകൾക്ക് നൽകിയിരുന്നില്ല. എന്നാൽ 1999 ലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ആക്റ്റു പ്രകാരം ആരോഗ്യവകുപ്പിൻകീഴിൽ സംസ്ഥാനത്തുള്ള ജില്ലാ ആശുപത്രികളുടെ ഭരണചുമതല സംസ്ഥാനത്തെ അതതു ജില്ലാ പഞ്ചായത്തുകളിൽ നിക്ഷിപ്തമാണ്. ഈ നിയമഭേദഗതിയെ തുടർന്ന് പരാമർശം 4-ലെ അനുബന്ധത്തിൽ പ്രതിപാദിക്കുന്ന സ്ഥാപനങ്ങളുടെ നടത്തിപ്പും നിയന്ത്രണവും രണ്ടാം പരാമർശത്തിൽ നിഷ്കർഷിച്ചിട്ടുള്ള മാർഗ്ഗ നിർദ്ദേശങ്ങൾക്കനുസൃതമായി അതതു ജില്ലാ പഞ്ചായത്തുകൾക്ക് കൈമാറിക്കൊണ്ട് സർക്കാർ ഉത്തരവ് പുറപ്പെടുവിക്കുകയുണ്ടായി.

2. മേൽ സാഹചര്യത്തിൽ സംസ്ഥാന ആരോഗ്യ/ആയുർവേദ/ഹോമിയോ വകുപ്പുകളുടെ കീഴിലുള്ളതും അനുബന്ധത്തിൽ പ്രതിപാദിക്കുന്നതുമായ സ്ഥാപനങ്ങളുടെ നടത്തിപ്പും നിയന്ത്രണവും; പരാമർശം രണ്ടിലെ സർക്കാർ ഉത്തരവിൽ നിഷ്കർഷിച്ചിട്ടുള്ള മാർഗ്ഗ നിർദ്ദേശങ്ങൾക്കനുസൃതമായി അതതു ജില്ലാ പഞ്ചായത്തുകൾക്ക് കൈമാറിക്കൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

3. മേൽപ്പറഞ്ഞ പ്രകാരം കൈമാറ്റം ചെയ്യപ്പെടുന്ന സ്ഥാപനങ്ങളുടെ വിവരം അനുബന്ധത്തിൽ ചേർത്തിട്ടുണ്ട്. സ്ഥാപനങ്ങളോടൊപ്പം അവയുടെ ആസ്തിബാധ്യതകളും വസ്തുവകകളും അവയിൽ അനുവദിക്കപ്പെട്ടിട്ടുള്ള ഉദ്യോഗസ്ഥന്മാരുടെ തസ്തികകളും ഉദ്യോഗസ്ഥന്മാരും അതതു തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിലേയ്ക്ക് കൈമാറ്റം ചെയ്യേണ്ടതാണ്.

4. ഓരോ സ്ഥാപനവും ഏത് തദ്ദേശസ്വയംഭരണ സ്ഥാപനത്തിലേയ്ക്ക് കൈമാറ്റുന്നു എന്ന വ്യക്തമാക്കിക്കൊണ്ടും കൈമാറ്റം ചെയ്യപ്പെടുന്ന തസ്തികകൾ ഏത് സർക്കാർ ആഫീസിൽ നിന്ന് കൈമാറുന്നു എന്ന് കാണിച്ചുകൊണ്ടും അതത് വകുപ്പിന്റെ അദ്ധ്യക്ഷൻമാർ 1999 ഒക്ടോബർ 31-ാം തീയതിക്കു മുൻപ് ഉത്തരവു പുറപ്പെടുവിക്കേണ്ടതാണ്. അപ്രകാരം പുറപ്പെടുവിക്കുന്ന ഉത്തരവുകളുടെ പകർപ്പുകൾ സെക്രട്ടേറിയറ്റിലെ ബന്ധപ്പെട്ട ഭരണ നിർവഹണ വകുപ്പിലേയ്ക്കും ധന/ആസൂത്രണ/സാമ്പത്തികകാര്യ/തദ്ദേശഭരണവകുപ്പുകളിലേയ്ക്കും കൂടി അയയ്ക്കേണ്ടതാണ്.

5. തദ്ദേശസ്വയംഭരണസ്ഥാപനങ്ങൾക്ക് കൈമാറ്റം ചെയ്യപ്പെടുന്ന തസ്തികകളിൽ അതതു സർക്കാർ വകുപ്പുകളിലെ ഉദ്യോഗസ്ഥന്മാർ തന്നെ, മറിച്ചൊരുത്തരവ് ഉണ്ടാകുന്നതുവരെ തുടരേണ്ടതാണ്.

6. തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് ഏൽപിച്ചുകൊടുത്തിട്ടുള്ള സർക്കാരിന്റെ അധികാരങ്ങളും

ചുമതലകളും പദ്ധതികളും ഫലപ്രദമായി നിർവഹിക്കുന്നതിന് ബന്ധപ്പെട്ട സർക്കാർ വകുപ്പ് അവയ്ക്ക് ആഫീസ് സൗകര്യം ഉൾപ്പെടെയുള്ള ഭരണപരമായ എല്ലാ സൗകര്യങ്ങളും സാങ്കേതിക ഉപദേശങ്ങളും നൽകേണ്ടതാണ്.

LOCAL SELF GOVERNMENT DEPARTMENT - SERVICE CHARGE FOR THE CINEMA TICKETS - APPROVED - ORDERS ISSUED

[Local Self Government (D) Department, G.O. (MS) No. 243/99/LSGD, Tvpm., Dtd.,13.12.1999]

Read:- G.O. (MS) 12/99/CAD dt. 25.2.1999

ORDER

In the government order read above, orders were issued imposing service charges on cinema admission tickets as per the scheme appended to the said Government Order. It has also been ordered that amendment to the relevant rules will be issued separately by Government in the Local Administration Department to the extent necessary.

Accordingly Government have examined the matter in detail and are pleased to authorise the local bodies in the State to levy the service charges imposed on cinema admission tickets on the rates specified in the scheme appended to this Government Order. The collection of service charges will not be subject to levy of entertainment tax and additional entertainment tax and hence amendment to Kerala Local Authorities Entertainment Tax Act, 1961 is not necessary. Service charge will be indicated as such separately in the admission tickets Issued for entry in Cinema Theatres. This order will come into effect with immediate effect.

SCHEME

(1). The Service charge for the cinema tickets will be revised at the rates detailed below:

1. For tickets upto Rs. 3/- Nil.
2. Above Rs.3/- and upto Rs. 5/-..... 25 paise.
3. From Rs. 5/- and upto Rs. 10/-.....50 paise.
4. Above Rs. 10/-..... 1/- rupee.

Out of the amount of service charges so collected as per the above rates the theatre owners should remit a total amount of Rs. 75/- lakhs per annum to a newly formed fund of the Government to be operated by the Cultural Affairs Department. The amount of Rs. 75 lakhs to be remitted annually by the theatre owners will be deposited annually by the Local Administration Department from their budget provision initially and the local Administration Department in turn will realise the above amount of Rs.75 lakhs from the annual grant given to various local bodies. The local bodies in turn shall collect the amount so realised from their annual grant from the theatre owners at the time of issuing/ renewing licences at the time of giving or renewing licences the local authority should give a specific receipt to the theatre owner for remitting this amount. They should be given a certificate to the effect that they have paid their share.

2. The fund so constituted will be utilised for the development of film industry and for the welfare of Cinema Artists in distress (അവശ സിനിമാ കലാകാരൻമാർ). A society will be formed by the Government exclusively for the administration of the above fund. In the society a nominee of Kerala Film Chamber of Commerce will be included. The theatre owners will utilise the service charge collected at the above rates minus their share remitted to the above mentioned fund for the following purposes.

(1) In the A.C. Theatres the A/C should be maintained well and adequate UPS systems should be kept.

(2) The up-keep of the theatres including the toilet should be in a very fine manner and should not cause any inconvenience to the public concerned. The theatres are to be made aware that the sanction for collecting the service charges is given by the Government to help the theatre owners to have proper up-keep of the theatre and also keep the houses in the most hygienic way.

(3) The Health Department of the local bodies will have the authority to have periodical Inspections and to see that the theatres are maintained properly.

(4) If it comes to the notice of local bodies or Government that the theatre owners are not utilising the service charge allotted to them for the purpose for which it is levied exemplary penalties including cancellation of licences will be clamped. Rules for this may be issued by Local Administration Department.

LOCAL SELF GOVERNMENTS - RECOMMENDATION OF THE COMMITTEE ON DECENTRALISATION OF POWERS - MEASURES TO TAKE CARE OF ADDITIONAL WORK LOAD IN LOCAL GOVERNMENTS - ORDERS ISSUED

[LSG (P) Department, G.O.(P) No.189/2000/LSGD, Thiruvananthapuram, dated 4/7/2000]

ORDER

The Committee on Decentralisation of Powers, in Vol. III-Part A of its Final Report dealing with "Strengthening of Professional and Ministerial Support to Local Governments" has stated that even after deployment of staff there would be some additional work in local governments and has suggested measures to take care of this additional work.

Government have examined the suggestions in detail and are pleased to order as follows:

(1) The departmental units transferred to the local governments would do the processing of various cases and projects related to their area of functioning, maintain accounts, prepare progress reports and do related works.

(2) All files would be processed and kept in the unit offices. They would move to the local government for orders, which are issued as resolutions. The draft minutes and draft resolutions concerning the area of work of each unit office should be as far as possible prepared by the respective unit offices.

(3) As regards public works, all the file work would be done at the level of the concerned engineer and records are to be kept in his office. However, such engineers would not be implementing officers. The payment for works would be recommended in the files and sent to the implementing officer who would authorise and make the payments after following the normal procedure in such cases.

(4) Field enquiries for sanction of pensions would be done in the Village Panchayats by the following officials:

i. Agricultural labour pension	-	Agricultural Demonstrators
ii. Unemployment allowance:	-	Secretary of Village Panchayat
iii.Widow Pension:	-	ICDS Supervisor
iv.NSAP:	-	Village Extension Officer/LVEO
v. Insurance:	-	Village Extension Officer/LVEO
vi.Handicapped Pension:	-	Health Inspector
vii.Maternity Benefit Scheme:	-	Health Inspector

Similar division of work would be made by the Municipalities and Corporations.

(5) A model division of work among the unit offices for a Village Panchayat is given below:

Agricultural Sector including Minor Irrigation and Watershed Management	)	Agricultural officers
Animal Husbandry and Dairy Development-	)	Veterinary Doctors
Women and Child Development	)	ICDS Supervisor
Industries-	)	Village Extension
SC/ST Development-	)	Officer /Lady Village
Anti-poverty programmes-	)	Extension Officer
Housing-Sanitation:	)	(Each Panchayat to be divided into two circles)
Health-PHC-	)	Doctors at the Panchayat level
Public Works:		
(a) Sectoral:	-	By the Sectoral officers.
(b) General:	-	Secretary of Village Panchayat
Education:	-	Secretary of Village Panchayat
Water Supply:	-	Secretary of Village Panchayat

Similar division of work would be made by the Municipalities and Corporations.

(6) The local Self Government Department would issue guidelines to utilise voluntary services of Government employees and others by organising manpower Banks.

(7) Village Panchayats are permitted to hire qualified Manpower. Village Panchayats may hire local people on piece rate basis for work related to disbursement of pension, finalisation of accounts, preparation of monitoring forms, writing of projects and such related items of work at a total cost not exceeding that of a 100 man days every year. 50% of such part-time work should be given to women. Each year mandatorily a new set of people has to be utilised.

(8) A manual of office procedure for local governments would be prepared as appropriate to the kind of work being done in local governments and in keeping with the requirements at each level.

PANCHAYAT SUBORDINATE SERVICE - ADMISSION OF PANCHAYAT EMPLOYEES TO KERALA PANCHAYAT EMPLOYEES PROVIDENT FUND

[LOCAL ADMINISTRATION (H) DEPARTMENT, G.O.(Rt)No. 3651/2000/LSGD., Tvm, dtd. 20/09/2000]

Panchayat Subordinate Service - Admission of Panchayat Employees to Kerala Panchayat Employees Provident Fund - Orders issued.

Read: Lr. No. A3-10542/97 dated 20/06/2000 from the Director of Panchayat

ORDER

Government are pleased to accord sanction to enrol in Kerala Panchayat Employees Provident Fund the employees of Panchayats who are not yet enrolled either in Kerala Panchayat Employees Provident Fund or in the General Provident Fund. Sanction is also accorded to credit the arrears of pay revisions ordered as on 1/3/92 and 1/3/97 and of D.A. from 1/1/94 to 1/7/98 to the Kerala Panchayat Employees Provident Fund of the employees as and when they are enrolled.

അന്ധരെ തൊഴിൽനികുതിയിൽനിന്നും ഒഴിവാക്കി ഉത്തരവ് പുറപ്പെടുവിച്ചിരിക്കുന്നു

[തദ്ദേശ സ്വയംഭരണ (എൽ) വകുപ്പ്, സ.ഉ. (സാധാ) 4756/2000 ത.സ്വ.ഭ.വ., Tvpm, Dtd.,27-11-2000]

പഞ്ചായത്ത് പ്രദേശത്തെ തൊഴിൽനികുതി - അന്ധരെ തൊഴിൽനികുതിയിൽനിന്നും ഒഴിവാക്കി ഉത്തരവ് പുറപ്പെടുവിച്ചിരിക്കുന്നു.

പരാമർശം: 1. 21-4-90-ലെ സ.ഉ. (സാധാ) 1734/90 ത.ഭ.വ. നമ്പർ ഉത്തരവ്.

2. സ്റ്റേറ്റ് കമ്മീഷണർ ഫോർ പേഴ്സൻസ് വിത്ത് ഡിസെബിലിറ്റീസിന്റെ 25-3-2000-ലെ 145/2000/എസ്.സി.പി. ഡബ്ല്യൂ.ഡി. നമ്പർ കത്ത്.

ഉത്തരവ്

കേരള പഞ്ചായത്ത് രാജ് ആക്ടിലെ 204-ാം വകുപ്പ് പ്രകാരം സംസ്ഥാനത്തെ പഞ്ചായത്തുകൾ ഈടാക്കുന്ന തൊഴിൽനികുതിയിൽനിന്നും അന്ധരെ ഒഴിവാക്കിക്കൊണ്ട് സർക്കാർ ഇതിനാൽ ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

LOCAL SELF GOVERNMENT DEPARTMENT - STRENGTHENING OF PERFORMANCE AUDIT SET UP-PROPOSALS APPROVED

[Local Self Government (PA) Department, G.O.(M.S.)No.333/2000/LSGD, Tvpm, Dtd., 30/11/2000]

Local Self Government Department - Strengthening of Performance Audit set up-proposals approved - orders issued.

Read:-G.O.(M.S)172/97/LAD Dated, 11/07/1997

ORDER

The question of strengthening/streamlining the present Performance Audit set up for Local Government had been engaging the attention of the Government for quite a long time. Government have examined the matter in detail and are pleased to issue the following orders in partial modification of the Government Order read above.

1. Performance Audit will be conducted once in three months in Village Panchayats and once in six months in all other local bodies.

2. As far as possible the officials deployed for performance audit shall not be changed for a minimum period of two years, unless it becomes absolutely necessary.

3. All the Local Self Government Institutions will extend wholehearted support to performance audit teams in supplying records and files for audit and in furnishing replies to the audit objections.

4. Funds to those local bodies which are not complying para 3 above will be released only after settling all audit objections and obtaining a certificate to that effect from the State Performance Audit Officer.

5. All vacancies existing in the performance audit teams will be filled up on top priority basis by the respective posting authorities. The State Performance Audit Officer will monitor this.

6. The functional control of the entire performance audit staff will be with the State Performance Audit Officer.

7. The State Performance Audit Officer will submit annual performance audit reports to the State Performance Audit Authority, separately for each tier of Local Government.

8. As performance audit is a comprehensive evaluation of all the activities of a Local Self Government Institution and as it is an internal audit system, no separate internal audit need be conducted by the respective departments.

9. All the enquiries and investigation duties shall be assigned to the performance audit staff. Also follow up of audit paras/ Inspection Reports of the Accountant General shall be done by the Performance Audit Staff.

Government are pleased to restructure the performance audit system in respect of various Local Governments as follows.

Performance Audit System of Village Panchayats

1. The Deputy Directors of Panchayats, who are now District Performance Audit Officers, will be relieved of their duty and the Assistant Directors of Panchayats will be nominated as the District Performance Audit Officer.

2. The Assistant Director shall have a separate office in each district in the office of the Deputy Director of Panchayats with the staff pattern as given in the Annexure I with respect to each district.

3. The total number of Audit teams will be reduced to 66 from the 117 originally constituted.

4. Each team shall be headed by one Senior Superintendent. For this, 38 Senior Superintendents, now working in the Deputy Director of Panchayats office will be posted. The balance 28 Senior Superintendents required will be provided by shifting the posts of the Senior Superintendent from the Zilla Panchayats.

5. 152 Junior Superintendents, 152 Clerks and 152 Peons now working in the Block Panchayats will be withdrawn, and the work assigned to them in Block Panchayats will be distributed to the remaining Block Panchayat Staff by the Block Panchayats. No new post will be created against these vacancies.

6. Out of the above 152 Junior Superintendents, 138 Junior Superintendents plus 152 Clerks plus 152 Peons shall be posted to 66 field teams under the control of Senior Superintendents as detailed in the Annexure II.

7. The vacancies arising in the Zilla Panchayats as a result of withdrawal of 28 Senior Superintendents will be filled by posting 14 Head Clerks now working in the office of the Deputy Director of Panchayats and posting 14 Junior Superintendents out of 152 Junior Superintendents withdrawn from Block Panchayats.

8. The Director of Panchayats shall have the administrative control of the entire audit staff and the functional control shall be with the State Performance Audit Officer.

9. The Director of Panchayats will issue separate orders for the establishment of the office of the District Performance Audit Officer and various field offices with the necessary facilities.

Performance Audit of Block Panchayats

1. The present District Performance Audit Officer in respect of Performance Audit of Block Panchayats viz. The Assistant Development Commissioner (FLP) stands redesignated as Assistant Development Commissioner (Performance Audit).

2. Office accommodation of all these Assistant Development Commissioners (Performance Audit) shall be provided in the respective Collectorates till alternative arrangements are made.

3. The District Rural Development Agencies in each district will provide the minimum required furniture and other necessaries for office establishment for the Performance Audit units on loan basis.

4. These Assistant Development Commissioners (Performance Audit) will be under the functional control of the State Performance Audit Officer.

5. The Director of Panchayats will issue suitable orders on the withdrawal of 152 Junior Superintendents, 152 Clerks and 152 Peons, now working in various Block Panchayats.

6. As regards the number and constitution of Audit Parties there will be no change from the Orders issued as per the Government Order read above.

Performance Audit of Municipalities

1. The three Regional Joint Directors of Municipalities will be the Regional Performance Audit Officers in their respective region.

2. Each Regional Performance Audit Officer shall have 2 performance audit teams headed by one Senior Superintendent and one Head Clerk.

3. Each Team shall consist of 2 Clerks each and one Clerk shall always be in the office of the Regional Joint Director.

4. The Administrative control of all these teams shall be with the Director of Municipal Administration and the functional control will be with the State Performance Audit Officer.

Performance Audit of Zilla Panchayats and Corporations

1. The performance audit of Zilla Panchayats and Corporations will continue to be conducted by the three Regional Audit Teams at Kollam, Kochi, and Kozhikode headed by the Additional Secretary/Joint Secretary, posted from the Secretariat. Administrative control of these teams will be with the General Administration Department.

2. The functional control of the Regional Audit Teams will be with the State Performance Audit Officer.

3. As regards the number and constitution of parties there will be no change from the orders issued as per the Government Order read above.

ANNEXURE I (HEAD QUARTERS STAFF)

Sl. No.	District	JS/PI	Clerk	Typist	Peon
1.	Thiruvananthapuram	2	5	1	2
2.	Kollam	2	5	1	2
3.	Pathanamthitta	2	5	1	2
4.	Alappuzha	2	3	1	2
5.	Kottayam	2	5	1	2
6.	Idukki	2	5	1	2
7.	Ernakulam	2	5	1	2
8.	Trissur	2	5	1	2
9.	Palakkad	2	5	1	2
10.	Malappuram	2	5	2	2
11.	Kozhikode	2	5	2	2
12.	Wayanad	1	3	1	1
13.	Kannur	2	5	1	2
14.	Kasaragod	1	4	1	1
	Total	26	65	16	26

ANNEXURE II (FIELD STAFF)

Sl. No.	District	No. of Supervisor (Senior Superintendent)	PI/JS	Clerk	Peon	No. of Panchayats to be Inspected
1.	Thiruvananthapuram	5	11	10	12	78
2.	Kollam	5	11	13	13	69
3.	Pathanamthitta	3	6	9	9	54
4.	Alappuzha	5	10	12	12	73
5.	Kottayam	5	10	11	11	74

6. Idukki	4	8	8	8	51
7. Ernakulam	6	12	15	15	88
8. Thrissur	6	13	15	15	92
9. Palakkad	6	12	13	13	90
10. Malappuram	7	15	14	14	100
11. Kozhikode	5	10	12	12	77
12. Wayanad	2	5	4	4	25
13. Kannur	5	10	10	10	81
14. Kasaragod	2	5	6	4	39
Total	**66**	**138**	**152**	**152**	**991**

1.	No. of Supervisors	66	(38 from DDP's offices and 28 from Zilla Panchayats)
2.	No. of P.Is/JS	138	(138 out of 152 to be withdrawn from Block Panchayats)
3.	No. of Clerks	152	(To be withdrawn from Block Panchayats)
4.	No. of Peons	152	(To be withdrawn from Block Panchayats)

പ്രസിഡന്റ്/ചെയർമാൻ എന്നീ സ്ഥാനങ്ങൾ വഹിക്കുന്ന സഹകരണസംഘം ജീവനക്കാർക്ക് പ്രസ്തുത കാലയളവ് ശമ്പളമില്ലാത്ത പ്രത്യേക അവധി - ഉത്തരവ്

[സഹകരണ (ബി) വകുപ്പ്, ജി.ഒ. (എം.എസ്.) 142/99/സഹ., തിരു. തീയതി: 28-9-1999]

സഹകരണം-തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ പ്രസിഡന്റ്/ചെയർമാൻ എന്നീ സ്ഥാനങ്ങൾ വഹിക്കുന്ന സഹകരണസംഘം ജീവനക്കാർക്ക് പ്രസ്തുത കാലയളവ് ശമ്പളമില്ലാത്ത പ്രത്യേക അവധിയായി അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1) 16-1-98 ലെ ജി.ഒ. (പി) നമ്പർ 28/98/പൊ.വി.
2) സഹകരണസംഘം രജിസ്ട്രാറുടെ 2-7-98-ലെ ഇ.എം.(1) 23757/98 നമ്പർ കത്ത്.

ഉത്തരവ്

മേൽ പരാമർശിച്ച ഗവൺമെന്റ് ഉത്തരവ് അനുസരിച്ച് 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട്, 1994-ലെ കേരള മുനിസിപ്പാലിറ്റീസ് ആക്ട് എന്നിവ പ്രകാരം രൂപീകരിച്ചിട്ടുള്ള തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളിൽ പ്രസിഡന്റ്/ചെയർമാൻ/ചെയർ പേഴ്സൺ എന്നീ നിലകളിൽ തെരഞ്ഞെടുക്കപ്പെട്ട എയ്ഡഡ് സ്കൂളുകളിലെ അദ്ധ്യാപകർക്ക് ഒരു അദ്ധ്യയനവർഷം മുഴുവനുമോ അതിന്റെ ഭാഗമോ പ്രസ്തുത സ്ഥാനം വഹിക്കുന്ന കാലയളവ് മുഴുവനുമോ അവരുടെ ജോലി നിർവ്വഹിക്കുന്നതിലേക്കായി ശമ്പളമില്ലാത്ത പ്രത്യേക അവധി അനുവദിച്ച് ഉത്തരവായിട്ടുണ്ട്. ടി അവധിക്കാലം ഇൻക്രിമെന്റിനും ഉയർന്ന ശമ്പള സ്കെയിലിനും പെൻഷനും ടി ഉത്തരവു പ്രകാരം കണക്കാക്കാവുന്നതാണ്.

ഈ ആനുകൂല്യം സഹകരണ സ്ഥാപനങ്ങളിലെ ജീവനക്കാർക്കും ബാധകമാക്കി ഉത്തരവു പുറപ്പെടുവിക്കണമെന്ന് സഹകരണസംഘം രജിസ്ട്രാർ മേൽ പരാമർശിച്ച കത്തുപ്രകാരം ഗവൺമെന്റിനോട് അഭ്യർത്ഥിച്ചിട്ടുണ്ട്. ഗവൺമെന്റ് ഇക്കാര്യം വിശദമായി പരിശോധിച്ചശേഷം താഴെപ്പറയുന്ന ഉത്തരവു പുറപ്പെടുവിക്കുന്നു.

തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ പ്രസിഡന്റ്, ചെയർമാൻ എന്നീ സ്ഥാനങ്ങൾ വഹിക്കുന്ന സഹകരണസംഘം ജീവനക്കാർക്ക് പ്രസ്തുത കാലയളവ് ശമ്പളമില്ലാത്ത പ്രത്യേക അവധിയായി അനുവദിക്കുന്നതാണ്. ഈ പ്രത്യേക അവധിക്കാലം ഇൻക്രിമെന്റിനും ശമ്പളവർദ്ധനവിനും പ്രൊമോഷനും പെൻഷനും 'നോഷണലായി' കണക്കാക്കുന്നതാണ്. എന്നാൽ, ഇതുമൂലമുള്ള സാമ്പത്തിക ആനുകൂല്യത്തിന് ജീവനക്കാരൻ അവധി കഴിഞ്ഞ് തിരികെ ജോലിയിൽ പ്രവേശിക്കുന്ന തീയതി മുതൽക്ക് മാത്രമേ അർഹനാകുകയുള്ളൂ.

പഞ്ചായത്തുകളിലെ പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്ക് പെൻഷൻ/ഫാമിലി പെൻഷൻ/ ഇൻവാലിഡ് പെൻഷൻ അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു

[ലോക്കൽ സെൽഫ് ഗവൺമെന്റ് (എച്ച്) വകുപ്പ്, സ.ഉ.(പി)നമ്പർ 144/2001/ LSGD/Tvpm., Dtd. 11.6 .01]

പഞ്ചായത്തുകളിലെ പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്ക് പെൻഷൻ/ഫാമിലി പെൻഷൻ/ ഇൻവാലിഡ് പെൻഷൻ അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. ജി.ഒ. (പി) നം. 27/91/പി.ആന്റ് എ.ആർ.ഡി., തീയതി: 3-9-1991.
2. ജി.ഒ. (പി) നം. 760/97/ധന. തീയതി: 6-9-1997.
3. ശ്രീമതി. എൻ.ബി. സുഹറ ഫയൽ ചെയ്ത 19302/98 നമ്പർ ഒ.പി.യിൻമേൽ 7-10-1998-ലെ ഹൈക്കോടതി വിധിന്യായം.

4. ശ്രീ. ഡാനിയൽ മത്തായി ഫയൽ ചെയ്ത 2720/01 നമ്പർ ഒ.പി.യിൻമേൽ 25-1-2001-ലെ ഹൈക്കോടതി വിധിന്യായം.
5. പഞ്ചായത്ത് ഡയറക്ടറുടെ 15-10-1999-ലെ എച്ച് 428501/99 നമ്പർ കത്ത്.

ഉത്തരവ്

സർക്കാർ സർവീസിൽനിന്നും 1-7-1998-നു ശേഷം വിരമിച്ച പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്ക് പരാമർശം ഒന്നിലെ ഉത്തരവു പ്രകാരം പെൻഷൻ അനുവദിച്ചു കൊണ്ടും പരാമർശം രണ്ടിലെ ഉത്തരവു പ്രകാരം ടി ജീവനക്കാർക്ക് 3-9-1997 മുതൽ പ്രാബല്യത്തിൽ ഫാമിലി പെൻഷനും ഇൻവാലിഡ് പെൻഷനും അനുവദിച്ചുകൊണ്ടും ഉത്തരവായിട്ടുണ്ട്. ഈ ആനുകൂല്യം പഞ്ചായത്തുകളിലെ പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്കും അനുവദിക്കണമെന്നാവശ്യപ്പെട്ടുകൊണ്ടുള്ള നിരവധി അപേക്ഷകൾ ലഭിച്ചിട്ടുണ്ട്.

2. പരാമർശം നാലിലെ വിധിന്യായപ്രകാരം പുരമറ്റം ഗ്രാമപഞ്ചായത്തിൽ പാർട്ട് ടൈം സ്വീപ്പറായി രിക്കേ 30-6-1996-ൽ പെൻഷൻ പറ്റി പിരിഞ്ഞ ശ്രീ. ഡാനിയൽ മത്തായിയുടെ പെൻഷൻ അനുവദിക്കണമെന്നപേക്ഷിച്ചുകൊണ്ടുള്ള എക്സിബിറ്റ് പി. 6 അപേക്ഷ പരിശോധിച്ച് നിലവിലുള്ള ഉത്തരവുകളുടെ അടിസ്ഥാനത്തിൽ വിധിന്യായം പുറപ്പെടുവിച്ച തീയതി മുതൽ മൂന്നുമാസത്തിനുള്ളിൽ ഉചിതമായ ഉത്തരവ് പുറപ്പെടുവിക്കണമെന്ന് ഹൈക്കോടതി നിർദ്ദേശിച്ചിട്ടുണ്ട്. പരാമർശം മൂന്നിലെ വിധിന്യായത്തിന്റെ അടിസ്ഥാനത്തിൽ പഞ്ചായത്തുകളിലെ പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്ക് കുടുംബ പെൻഷൻ/ ഇൻവാലിഡ് പെൻഷൻ അനുവദിക്കുന്ന കാര്യവും സർക്കാർ വിശദമായി പരിശോധിച്ചു.

3. പഞ്ചായത്തുകളിലെ പാർട്ട് ടൈം കണ്ടിജന്റ് ജീവനക്കാർക്ക് പരാമർശം ഒന്നും രണ്ടും ഉത്തരവുകളിൽ പ്രാബല്യം വരുത്തിയ തീയതി മുതൽ യാതൊരു കുടിശ്ശികയ്ക്കും അർഹതയുണ്ടായിരിക്കുകയില്ല എന്ന നിബന്ധനയ്ക്കു വിധേയമായി, പെൻഷൻ/ഫാമിലി പെൻഷൻ/ഇൻവാലിഡ് പെൻഷൻ അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു. ഇതനുസരിച്ചുള്ള പെൻഷൻ കോൺട്രിബ്യൂഷൻ നിജപ്പെടുത്തി പഞ്ചായത്ത് ഡയറക്ടുടെ നിർദ്ദേശപ്രകാരം പഞ്ചായത്തുകൾ പൊതു ഖജനാവിലേക്ക് അടയ്ക്കേണ്ടതാണ്.

DECLARATION OF DEPUTY DIRECTOR OF PANCHAYATS AS DRAWING AND DISBURSING OFFICER

[Local Self Government (J) Department, G.O.(Rt) 2767/2001/LSGD, Tvpm, dated 30/08/2001]

Panchayat Department - Declaration of Deputy Director of Panchayats as drawing and disbursing officer in respect of the Head of Account 2515-001-97 District Administration and Subordinate Controlling Officers in respect of the Head of Account 2515-191-45-03 plan and Head of account 3454-111-95-03 plan - orders issued.

Read: - D.O. Letter No. F1. 16588/2000 dated 16/01/2001 from the Director of Panchayats, Tvm.

ORDER

The Director of Panchayats in the letter read above requested Government to declare the Deputy Director of Panchayats as the drawing and disbursing officer and Subordinate Controlling Officer in respect of the following Head of Account:-

(1) 2515-00-01-97-NP
(2) 2515-00-191-45-08 (Plan)
(3) 3454-111-95-NP

Government have examined the matter in detail and order the following:

As the Deputy Director of Panchayats are the Drawing and Disbursing Officer in respect of the Head of Account 2515-001 -97 District Administration (NP) they are declared as drawing and disbursing officer of the above head as well as subordinate controlling officers.

The Head of account "2515-191 -45-(03) Plan" is related to the provision for Plan Assistance to Village Panchayats. The Director of Panchayats, who is the Chief Controlling Officer, gives allotment to each District Officers (Deputy Directors) and they are giving the allotment to each Village Panchayats under their control. The Secretaries to the Village Panchayats are presenting grant-in-aid bills to the treasuries for transfer-crediting the allotment. Here the Secretaries of Village Panchayats are the Drawing and Disbursing officers and hence the Deputy Directors of Panchayats are declared as Subordinate Controlling Officers.

As the Director of Panchayats is the controlling officer of the head of account 3454-111-95, the Deputy Directors are declared as subordinate controlling officers.

'സിൽക്', 'കിറ്റ്കോ' 'സിഡ്കോ' എന്നീ സ്ഥാപനങ്ങളെ ജനകീയാസൂത്രണവുമായി ബന്ധപ്പെട്ട പ്രോജക്ടുകളുടെ നിർവഹണ ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവ്

[തദ്ദേശഭരണ (ഡിപി) വകുപ്പ്, നം. ഇ. (സ) നം. 2515/2001/ത.സ്വ.ഭ.വ., Tvpm, Dtd., 8-9-2001.]

'സിൽക്', 'കിറ്റ്കോ' 'സിഡ്കോ' എന്നീ സ്ഥാപനങ്ങളെ ജനകീയാസൂത്രണവുമായി ബന്ധപ്പെട്ട പ്രോജക്ടുകളുടെ നിർവഹണ ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. സിൽക്ക് എക്സിക്യൂട്ടീവ് ഡയറക്ടറുടെ 14-8-2000-ലെ സിൽക്ക്/സിഒ/ഇഡി/010/3026 നമ്പർ കത്ത്.

2. കിറ്റ്കോ മാനേജിംഗ് ഡയറക്ടറുടെ 13-6-2000-ലെ 193/എംഡി 16. സിഡി/00 നമ്പർ കത്ത്.

3. സിഡ്കോ മാനേജിംഗ് ഡയറക്ടറുടെ 18-10-2000-ലെ എം.ഡി.എസ്/പിപിതി/11620/00 നമ്പർ കത്ത്.

ഉത്തരവ്

സ്റ്റീൽ ഇൻഡസ്ട്രീസ് കേരളാ ലിമിറ്റഡ്, കിറ്റ്കോ, കേരള സ്മാൾ ഇൻഡസ്ട്രീസ് ഡവലപ്മെന്റ് കോർപ്പറേഷൻ എന്നീ സ്ഥാപനങ്ങളെ ജനകീയാസൂത്രണവുമായി ബന്ധപ്പെട്ട പദ്ധതികളുടെ നടത്തിപ്പിനായുള്ള നിർവ്വഹണ ഏജൻസിയായി അംഗീകരിക്കണമെന്ന് മുകളിൽ സൂചിപ്പിച്ച കത്തുകൾ പ്രകാരം പ്രസ്തുത സ്ഥാപനങ്ങൾ ആവശ്യപ്പെട്ടിരുന്നു. ഇക്കാര്യം ജനകീയാസൂത്രണവുമായി ബന്ധപ്പെട്ട സംസ്ഥാനതല കോ-ഓർഡിനേഷൻ കമ്മിറ്റി വിശദമായി ചർച്ച ചെയ്യുകയും പൊതുമരാമത്ത് നിരക്കിൽ പ്രവർത്തികൾ ഏറ്റെടുത്ത് നടപ്പാക്കുന്നുവെങ്കിൽ പ്രസ്തുത സ്ഥാപനങ്ങളെ നിർവ്വഹണ ഏജൻസികളായി അംഗീകരിക്കാവുന്നതാണെന്നും തീരുമാനിച്ചു.

മേൽപ്പറഞ്ഞ സാഹചര്യത്തിൽ ജനകീയാസൂത്രണവുമായി ബന്ധപ്പെട്ട പ്രവൃത്തികൾ പൊതുമരാമത്ത് നിരക്കിൽ ഏറ്റെടുത്ത് നടപ്പാക്കുന്നതിന് നിർവ്വഹണ ഏജൻസികളായി സ്റ്റീൽ ഇൻഡസ്ട്രീസ് കേരളാ ലിമിറ്റഡ് (സിൽക്ക്). കേരളാ സ്മാൾ ഇൻഡസ്ട്രീസ് ഡവലപ്മെന്റ് കോർപ്പറേഷൻ (സിഡ്കോ), കിറ്റ്കോ എന്നീ സ്ഥാപനങ്ങളെ അംഗീകരിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

APPOINTING DEPUTY DIRECTORS OF PANCHAYATS TO BE THE DISTRICT REGISTRARS UNDER SECTION 6 OF THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

[G.O.(MS) No. 249/2001/LSGD, Thiruvananthapuram, 16th September, 2001]

NOTIFICATION

S.R.O. No. 955/2001. In exercise of powers conferred by sub-section (1) of Section 6 of the Registration of Births and Deaths Act, 1969 (Central Act No.18 of 1969) and in supersession of the notification issued under G.O. (MS) 73/70/DD dated 31st March, 1970 and published as SRO No. 145/70 in the Kerala Gazette No. 115 dated 31st March, 1970, the Government of Kerala hereby appoint the Deputy Directors of Panchayats to be the District Registrars of the respective Revenue Districts for the purpose of the said Act.

KERALA SERVICE RULE - PART III - DELETION OF RULE 112 & 114 AND AMENDMENT TO RULE 115(A)

[FINANCE (PENSION - B) DEPARTMENT, G.O. (P) No. 1470/2001/Fin., Tvpm, dated 30/11/2001]

Kerala Service Rule - Part III - Deletion of Rule 112 & 114 and Amendment to Rule 115(a) - Orders issued-

Read: (1) Judgement in OP No. 1491/92/dated. 21/10/98.

(2) Lr. No. P1/G1/6-44/51/dt. 10/7/2001 from the Accountant General (A&E) Kerala, Tvpm.

ORDER

As per Rule 112, Part III KSRs, the Audit Officer has to initiate preparation and drawing upon pension papers in respect of Gazetted Employees one year in advance of retirement without waiting for submission of pension papers by the employees. Rule 113 lays down that the Gazetted Employees should submit the application for pension without waiting for the communication from the Audit Officer. Similarly, as per Rule 114 Part III KSRs in respect of Non-Gazetted Officers, every Head of Office shall undertake the work of

preparing of pension papers one year in advance of the date on which an employee is due to retire. It is also specified in Rule 115(a) that in the case of Non-Gazetted Officer, as a first step, the Head of Office shall send to the employee a copy of Form II (formal application) one year in advance requiring him to return it duly filled up.

(2) In OP.No. 14916/92 Hon'ble High Court has ordered to pay interest to the pensioner for his pensionary benefits even in the contest of non-submission of pension papers by the employee, interpreting that Rule 112 of Part III, KSRs, cast a duty upon the Audit Officer to draw up the application for the pension.

(3) Govt. have evaluated the above situation and it is noticed that as per the above rules, as they stand now Govt. are liable to pay interest on pensionary benefits even in cases where the employees have not submitted formal application for pension in time as required under rules. Preparation of pension papers requires a lot of personal data of employee and his family, without which the Audit Officer/Head of Office cannot draw the pension papers in time. In the above circumstances, Govt propose to delete Rule 112 & 114 of Part III KSRs and also to substitute the first sentence of Rule 113 (a) and 115(a) making the employee primarily responsible for the timely submission of application for pension. The Accountant General has also agreed to the proposal. Accordingly Govt. are pleased to order that Rule 112 & 114 of KSRs Part III stands deleted. Instead of first sentence of Rule 113 & 115(a) the following will be substituted. "As a first, the Audit Officer/Head Office, as the case may be, shall send to every Gazetted/Non-Gazetted employee, as the case may be, a notice requiring him to furnish the formal application one year in advance with relevant documents".

(4) Formal amendment to Rules in Part III, KSRs, will be issued separately. These orders will take effect from the date of this order.

PURCHASE OF WOODEN FURNITURE FROM FOREST INDUSTRIES (TRAVANCORE) LIMITED BY LOCAL BODIES WITHOUT TENDER

[Local Self Government (P) Department, G.O.(Rt)No.3663/2001/LSGD, Tvpm, dated 27/11/2001]

Local Self Government Department - Purchase of wooden furniture from Forest Industries (Travancore) Limited by Local Bodies without tender - sanctioned - Orders issued.

Read:
1. Lr. No. FIT/MDO/04/2001 -02/1331 dated 16th October, 2001 from Managing Director, Forest Industries (Travancore) Limited.
2. G.O. (Rt) No. 5/90/SPD dated 17/03/1990
3. G.O (Rt) No. 11/90/SPD dated 26/06/1990
4. G.O. (Rt) No. 15/2001/SPD dated 17/03/2001.

ORDER

In the Government Order read as Second Paper above Orders were issued to the effect that all Government Departments (except Schools) will purchase their requirements of all types of wooden furniture direct from SIDCO without tender for a period of one year in relaxation of para 57 (a) (i) of stores purchase Manual and vide Order read as third paper the benefit was extended to Forest Industries (Travancore) Limited. Government have extended the validity of the above Orders from time to time and vide Order read as fourth paper the Order is valid till 15/12/2001.

As per his letter read as first paper the Managing Director, Forest Industries (Travancore) Limited has requested Government to give permission to the Local Bodies of the State to buy furniture from Forest Industries (Travancore) Limited. Government have examined the matter in detail and are pleased to accord sanction to the local bodies of the State to purchase their requirements of all types of wooden furniture from Forest Industries (Tranvancore) Limited subject to all the conditions prescribed in Government Orders read as papers 2,3 and 4. This Order is valid for a period of one year with effect from the date of this Orders.

PUBLIC SERVICES - SCHEME FOR COMPASSIONATE EMPLOYMENT OF THE DEPENDENTS OF GOVERNMENT SERVANTS WHO DIE IN HARNESS

[PERSONNEL AND ADMINISTRATIVE REFORMS (ADVICE - C) DEPARTMENT, G.O. (P) N0.37/2002/P&ARD, Tvpm, dtd., 15/07/2002]

Public Services - Scheme for Compassionate Employment of the dependents of Government Servants who die in Harness - further Orders issued.

Read:- 1. G.O. (P) No.12/99/P&ARD/dated 24/05/1999
2. G.O. (P) No.24/99/P&ARD/dated 08/11/1999

ORDER

As per para 12 of the G.O. read as first paper above the maximum income of the family of the deceased Government servant should not exceed Rs. 1,50,000/- (Rupees One Lakh fifty thousand only) per annum to make a dependent eligible for compassionate employment and this limit will be revised from time to time. Representations have been received by Government to enhance the present family income limit fixed for compassionate employment. Justice Narendran Commission has also fixed an annual income limit of Rs.3 lakhs to determine the creamy layer from other backward classes for appointment to Government services.

In these circumstances, Government are pleased to enhance the maximum income of the family of the deceased Government servant to Rs. 3,00,000/- (Rupees three lakhs only) per annum to make a dependent eligible for compassionate employment.

Government are also pleased to clarify that the dependents of those candidates selected through Public Service Commission who happen to die while undergoing pre-service training and the dependents of Government employees who die while on leave without allowance under Appendix XII. A Part of Kerala Service Rules will also be eligible for compassionate employment under the scheme subject to other conditions.

തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ഭരണത്തലവന്മാരുടെ തൊഴിൽ, അവധി എന്നിവ സംബന്ധിച്ച ഉത്തരവ്

[തദ്ദേശ സ്വയംഭരണ (എൻ) വകുപ്പ്, ജി.ഒ. (എം.എസ്) നം. 203/2002/ത.സ്വ.ഭ.വ., Tvpm., Dtd.,25-11-02.]

തദ്ദേശ സ്വയംഭരണ വകുപ്പ്-തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ഭരണത്തലവന്മാരുടെ തൊഴിൽ, അവധി എന്നിവ സംബന്ധിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. 16-01-1998-ലെ ജി.ഒ. (പി) നമ്പർ 28/98/പൊ.വി.
2. 28-09-1999-ലെ ജി.ഒ. (എം.എസ്.) 142/99/സഹ.

ഉത്തരവ്

1999-ൽ ഭേദഗതി ചെയ്യപ്പെട്ട കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റും കേരള മുനിസിപ്പാലിറ്റി ആക്റ്റും അനുസരിച്ച് തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ഭരണത്തലവന്മാർ അതത് സ്ഥാപനങ്ങളിലെ മുഴുവൻ സമയപ്രവർത്തകരാണ്. അവരിൽ പലരും സർക്കാരിനോട് താഴെപ്പറയുന്ന സംഗതികളിൽ സ്പഷ്ടീകരണം ആവശ്യപ്പെട്ടിട്ടുണ്ട്.

i) മറ്റ് തൊഴിലുകളുള്ള, തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ഭരണത്തലവന്മാർക്ക് അവരുടെ മാതൃസ്ഥാപനങ്ങളിൽനിന്ന് അർദ്ധവേതന അവധി, ആർജിതാവധി തുടങ്ങിയവ എടുക്കുകയും, തദ്ദേശ സ്വയംഭരണ സ്ഥാപനത്തിൽനിന്നുള്ള ഓണറേറിയത്തോടൊപ്പം മാതൃസ്ഥാപനത്തിൽ നിന്നുള്ള അവധി വേതനം സ്വീകരിക്കുകയും ചെയ്യാമോ?

ii) അവർക്ക് തങ്ങളുടെ മാതൃസ്ഥാപനത്തിൽ ഒരു ദിവസത്തേയ്ക്ക് ജോലിയിൽ പുനഃപ്രവേശിച്ചിട്ട് വീണ്ടും അവധിയിൽ തുടരാനാവുമോ?

iii) ഗവൺമെന്റ് നേരിട്ട് ശമ്പളം നൽകുന്ന എയ്ഡഡ് സ്കൂൾ അദ്ധ്യാപകരെപ്പോലുള്ള ഉദ്യോഗസ്ഥർക്ക് ഇൻക്രിമെന്റ്, സീനിയോരിറ്റി, ഗ്രേഡ് പ്രമോഷൻ തുടങ്ങിയ സർവീസ് ആനുകൂല്യങ്ങൾക്ക് മേൽപ്പറഞ്ഞ അവധിക്കാലം പരിഗണിക്കാനാവുമോ?

iv) വക്കീലന്മാർ, കോൺട്രാക്ടർമാർ, കച്ചവടക്കാർ തുടങ്ങി സ്വയംതൊഴിൽ മേഖലയിൽ പ്രവർത്തിക്കുന്നവർക്ക്, തദ്ദേശസ്വയംഭരണ തലവന്മാരായി പ്രവർത്തിക്കാൻ തങ്ങളുടെ തൊഴിൽമേഖലയിൽനിന്നും വിട്ടുനിൽക്കേണ്ടതുണ്ടോ?

സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിച്ചു. മേൽപരാമർശം 1-ഉം 2-ഉം സർക്കാർ ഉത്തരവുകൾ മുഖേന 1994-ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്റ്റ്, 1994-ലെ കേരള മുനിസിപ്പാലിറ്റീസ് ആക്റ്റ് എന്നിവ പ്രകാരം രൂപീകരിച്ചിട്ടുള്ള തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിൽ പ്രസിഡന്റ്/ചെയർമാൻ/ചെയർപേഴ്സൺ എന്നീ നിലകളിൽ തിരഞ്ഞെടുക്കപ്പെട്ട എയ്ഡഡ് സ്കൂളുകളിലെ അദ്ധ്യാപകർക്കും സഹകരണസംഘം ജീവനക്കാർക്കും, അവരുടെ സ്ഥാനം വഹിക്കുന്ന കാലയളവിലേക്ക് ശമ്പളമില്ലാത്ത പ്രത്യേക അവധി അനുവദിച്ച് ഉത്തരവായിരുന്നു.

സംസ്ഥാനത്തെ ത്രിതല പഞ്ചായത്തുകളിലും നഗരസഭകളിലും ഇപ്പോൾത്തന്നെ അദ്ധ്യാപകർ, അഡ്വക്കേറ്റുമാർ തുടങ്ങി വിവിധ മേഖലകളിൽ വിവിധ തൊഴിലുകളിൽ ഏർപ്പെട്ടിരിക്കുന്നവർ ഭരണത്തലവന്മാരായി തിരഞ്ഞെടുക്കപ്പെട്ടിട്ടുണ്ട്. പുതിയ നിയന്ത്രണങ്ങളുടെ ഫലമായി അവരെയെല്ലാം പഞ്ചായത്ത് നഗര

സഭാ ഭരണത്തിൽനിന്ന് മാറ്റി നിർത്തിയാൽ, പ്രാദേശിക ജനാധിപത്യ ഭരണസംവിധാനങ്ങളുടെ ചുമതല യേൽക്കാൻ യോഗ്യരായ വ്യക്തികൾ ഇല്ലാതെ വന്നേക്കാം. പഞ്ചായത്ത് പ്രസിഡന്റുമാർക്കും നഗരസഭാ ചെയർപേഴ്സൺമാർക്കും നൽകുന്ന പ്രതിമാസ ഓണറേറിയം വർദ്ധിപ്പിച്ചു നൽകാൻ സർക്കാരിന്റെയും തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെയും ഇപ്പോഴത്തെ സാമ്പത്തികസ്ഥിതി വച്ചുനോക്കുമ്പോൾ തൽക്കാലം നിർവ്വാഹമില്ല. പഞ്ചായത്ത് രാജ് മുനിസിപ്പൽ നിയമങ്ങളിൽ 1999-ൽ വരുത്തിയ ഭേദഗതികൾ പ്രകാരം പഞ്ചായത്തു പ്രസിഡന്റുമാരും നഗരസഭാ ചെയർപേഴ്സൺമാരും അതത് സ്ഥാപനത്തിന്റെ മുഴുവൻ സമയ കാര്യനിർവ്വഹണാധികാരസ്ഥൻ, (ഫുൾടൈം എക്സിക്യൂട്ടീവ് അതോറിറ്റി) ആണെങ്കിലും, നിയമപ്രകാര മുള്ള തങ്ങളുടെ ചുമതലകൾ നിർവ്വഹിക്കുന്നതിൽ വിഘ്നം വരുത്താതെ, ജീവിതമാർഗ്ഗമെന്ന നിലയിൽ അവർ മറ്റ് തൊഴിലുകളിൽ ഏർപ്പെടുന്നത് തടയേണ്ടതില്ല എന്ന് സർക്കാർ കരുതുന്നു. കൂടാതെ, മുഴുവൻ സമയ കാര്യനിർവ്വഹണാധികാരസ്ഥൻ ആയിരിക്കും എന്ന് നിയമത്തിൽ പറഞ്ഞിട്ടുള്ളതൊഴിച്ചാൽ, ഏതെ ങ്കിലും ഭരണത്തലവൻ മറ്റൊരു തൊഴിലിൽ ഏർപ്പെട്ടാൽ അത് തടയുന്നതിനോ അയാളെ ശിക്ഷിക്കുന്ന തിനോ ഇപ്പോഴത്തെ നിയമത്തിൽ വ്യവസ്ഥയുമില്ല.

മേൽപ്പറഞ്ഞ സാഹചര്യത്തിൽ ഇക്കാര്യത്തിൽ താഴെപ്പറയും പ്രകാരം ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

1) ഉദ്യോഗസ്ഥരായ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ഭരണത്തലവന്മാർ തങ്ങളുടെ മാതൃസ്ഥാ പനങ്ങളിൽനിന്ന് വിട്ടുനിൽക്കുന്ന കാലയളവ് ക്രമപ്പെടുത്തുവാൻ അവർക്ക് വേതന രഹിത അവധി മാത്രമേ അനുവദിക്കാവൂ എന്ന് നിഷ്ക്കർഷിക്കേണ്ടതില്ല. അർഹതയുള്ള ഏത് തരത്തിലുള്ള അവധിയും അനുവദി ക്കാവുന്നതാണ്.

2) പഞ്ചായത്ത് പ്രസിഡന്റുമാരും നഗരസഭാ ചെയർപേഴ്സൺമാരും അവരുടെ പദവിയിൽ തുടരു മ്പോൾ അവർ യാതൊരു തൊഴിലിലും ഏർപ്പെടാൻ പാടില്ല എന്ന നിഷ്ക്കർഷിക്കേണ്ടതില്ല. ഇപ്പോഴത്തെ സ്ഥിതി തുടരാവുന്നതാണ്.

PRIVATE SECTOR PARTICIPATION IN THE IMPLEMENTATION OF PROJECTS - CONSTITUTION OF HIGH LEVEL COMMITTEE

[LOCAL SELF GOVERNMENT (B) DEPARTMENT, G.O. (Rt) No. 292/2003/LSGD., Tvpm., dt. 23/01/03]

Local Self Government Department - Private Sector participation in the implementation of projects - Constitution of high level committee - Sanctioned Orders issued.

Read: (1) G.O.(Rt) No. 1820/2002/LSGD dated 06/07/2002.

ORDER

Government are pleased to constitute a high level committee comprising of following members for the speedy clearance of projects to be developed in various urban and rural local bodies with private sector participation.

1.	Secretary, Local Self Government (Urban) Department	:	Chairman
2.	Secretary, Local Self Government (Rural) Department	:	Member
3.	Secretary, Planning & Economic Affairs Department	:	"
4.	Director of Urban Affairs	:	"
5.	An Officer nominated by Law Department	:	"
6.	An Officer nominated by Finance Department	:	"
7.	Chief Town Planner	:	"
8.	Director of Panchayats	:	"

The Committee would scrutinise applications received from Urban/Rural Local Bodies for the sanction of projects to be developed with Private Sector Participation (PSP). The quorum for the committee would be three. The Secretary, Local Self Government (UD) Department would chair the meetings of the committee and in his absence Secretary, Local Self Government (Rural) Department will chair, the committee would act as single window for clearing projects of the local bodies with Private Sector. Participation using models like BOT, BOOT, BOLT etc. that require Government level clearances.

The G.O. read above by which a high level committee constitute to implement the projects of Local Self Government Department under BOT stands cancelled.

ASSETS TRANSFERRED TO LOCAL GOVERNMENTS - UTILIZATION OF INCOME FROM LAND - ORDERS

[LOCAL SELF GOVERNMENT (DP) DEPARTMENT, G.O. (Rt) No. 677/2003/LSGD.,Tvpm., dtd. 27/02/03]

Assets transferred to Local Governments - Utilization of income from land - Orders issued.

ORDER

As part of decentralization various public assets have been transferred to Local Governments. These assets like Schools, Hospitals, Agricultural Farms, Roads etc. have land which can be used productively by Local Governments, even though Local Governments do not have the right to alienate such land or use it for purposes unrelated to the original purpose of the asset.

Local Governments have pointed out that they are willing to invest in the land and develop it productively if the existing stipulation that the revenue from such assets be credited to Government Account is modified and the Local Governments are allowed to credit such income to the Panchayat Fund or Municipal Fund as the case may be.

Government have examined the matter in detail and are pleased to order that the income accruing from the assets like schools, hospitals, farms etc. which are under the control of Local Governments should transferred as own income of the Local Governments concerned.

ഊരാളുങ്കൽ ലേബർ കോൺട്രാക്ട് സൊസൈറ്റിയെ അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ചു

[തദ്ദേശ സ്വയംഭരണ (ഡിപി)വകുപ്പ്, ജി.ഒ. (ആർ.റ്റി) 1011/2003/തസ്വഭവ, Tvpm, Dtd. 21.03.03]

സംഗ്രഹം:- തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - കേരള വികസന പദ്ധതി - ഊരാളുങ്കൽ ലേബർ കോൺട്രാക്ട് സൊസൈറ്റിയെ അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. 30.12.99-ലെ സർക്കാരിന്റെ 42690/ഡിപി2/തസ്വഭവ നമ്പർ കത്ത്
2. സംസ്ഥാനതല കോർഡിനേഷൻ കമ്മിറ്റി തീരുമാനം നമ്പർ 28(2)

ഉത്തരവ്

പരാമർശം 2-ലെ തീരുമാനത്തിന്റെ അടിസ്ഥാനത്തിൽ ഊരാളുങ്കൽ ലേബർ കോൺട്രാക്ട് സഹകരണ സംഘത്തെ തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളിലെ പ്രവർത്തികൾ ഏറ്റെടുത്തു നടത്തുന്നതിനുള്ള അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവാകുന്നു.

പകർച്ച വ്യാധികൾ തടയുന്നതിന് വർദ്ധിച്ച നിരക്കിൽ ചെലവനുമതി

[തദ്ദേശ സ്വയംഭരണ (കെ) വകുപ്പ്, സ.ഉ. (സാധാരണ) നമ്പർ: 2518/03/തസ്വഭവ., Tvpm,Dt.11.7.2003]

സംഗ്രഹം:- തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - സംസ്ഥാനത്തെ പകർച്ച വ്യാധികൾ തടയുന്നതിന് - തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെ തനതു ഫണ്ടിൽ നിന്ന് വർദ്ധിപ്പിച്ച നിരക്കിൽ തുക ചെലവു ചെയ്യുന്നതിന് അനുമതി നല്കി- ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 20.6.03-ലെ സ.ഉ. (സാധാ) 2183/03/തസ്വഭ വകുപ്പ്.

ഉത്തരവ്

കേരളത്തിൽ പടർന്നു പിടിച്ചിരിക്കുന്ന എലിപ്പനി, ഡങ്കിപ്പനി തുടങ്ങിയ പകർച്ചവ്യാധികൾ തടയുന്നതിനും ഖരമാലിന്യ നിർമ്മാർജ്ജനത്തിനുമായി തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് പരാമർശം 1 പ്രകാരം അനുവദിച്ച തുക താഴെ കൊടുത്തിരിക്കുന്ന നിരക്കിൽ വർദ്ധിപ്പിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

1. ഗ്രാമപഞ്ചായത്തുകൾ:- 1 ലക്ഷം രൂപ വീതം (ഒരു ലക്ഷം രൂപ മാത്രം)
2. മുനിസിപ്പാലിറ്റികൾ:- 2 ലക്ഷം രൂപ വീതം (രണ്ടു ലക്ഷം രൂപ മാത്രം)
3. കോർപ്പറേഷനുകൾ:- 4 ലക്ഷം രൂപ വീതം (നാലു ലക്ഷം രൂപ മാത്രം)

കേരള ഫെഡറേഷൻ ഓഫ് ബ്ലൈൻഡിന് അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകാരം സംബന്ധിച്ച്

[തദ്ദേശ സ്വയംഭരണ (ഡിപി) വകുപ്പ്, ജി.ഒ. (ആർ.റ്റി) നം. 2727/2003/തസ്വഭവ., Tvpm, Dtd. 23.7.2003]

സംഗ്രഹം:- തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - കേരള ഫെഡറേഷൻ ഓഫ് ബ്ലൈൻഡ് എന്ന സംഘടനയെ അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1. കേരള ഫെഡറേഷൻ ഓഫ് ബ്ലൈൻഡ് എന്ന സംഘടനയുടെ 20.9.2002 ലെ ജി1 (2)/02-03/687 നമ്പർ നിവേദനം.

2. 4.3.2003ലെ വികേന്ദ്രീകൃതാസൂത്രണ സംസ്ഥാനതല കോർഡിനേഷൻ സമിതി യോഗ തീരുമാനം നം. 28(3).

ഉത്തരവ്

പരാമർശം രണ്ടിലെ തീരുമാനപ്രകാരം കേരള ഫെഡറേഷൻ ഓഫ് ദി ബ്ലൈന്റ് എന്ന സംഘടനയെ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ നടപ്പിലാക്കുന്ന അന്ധരുടെ പുനരധിവാസ പ്രോജക്റ്റുകൾ മാത്രം നിർവ്വഹണം നടത്തുന്നതിനുള്ള അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവാകുന്നു.

റെയ്ഡ്കോയെ പമ്പ്സെറ്റ് സപ്ലൈ ചെയ്യുന്നതിനുള്ള ഏജൻസിയായി അംഗീകരിച്ച ഉത്തരവ് റദ്ദ് ചെയ്തു

[Local Self Government (DP) Department, G.O. (Rt) No. 3139/2003/LSGD., Tvpm, dated, 28.8.2003]

Abstract:- Local Self Government Department - Orders issued in G.O. (Rt) 1317/99/LAD dated 13.4.1999 approving RAIDCO as the sole agency for supply of pump set under the agricultural schemes implemented through Grama Panchayats cancelled - Orders issued.

Read:- 1. G.O. (Rt) No. 1317/99/LAD dated 13.4.1999

2. Representation dated 5.5.2003 from Shri. Krishnan Kakkanath, President, Kerala Agro Machinery Dealers Association, Kozhikode.

3. Decision No. 23 of the State Level Co-ordination Committee Meeting held on 30.6.2003.

ORDER

As per the Government Order read as first paper above, Government have approved the Regional Agro Industrial Development Co-operative of Kerala Ltd. as the exclusive supplier of Pumpsets and Agricultural Machineries under the Agricultural Schemes implemented through Grama Panchayats in connection with the People's Campaign Programme.

In the representation read as second paper above Shri. Krishnan Kakkanath, President, Kerala Agro Machinery Dealers Association, Kozhikode has requested to cancel the said Government Order and to allow the farmers/ beneficiaries to select the brand, make and type of the pumpset from the approved brands selected by the State Agriculture Department.

Government have examined the matter in detail. The State Level Co- ordination Committee meeting held on 30.6.2003 also recommended to cancel the Government Order.

In the circumstances, Government are pleased to order that, the G.O. (Rt) No. 1317/99/LAD dated 13.4.1999, approving RAIDCO as the sole agency to supply pumpsets and agricultural machineries under the Agricultural Schemes implemented through Grama Panchayats in connection with the People's Campaign Programme, is hereby cancelled.

വികേന്ദ്രീകൃതാസൂത്രണം - മരാമത്ത് പണികളുടെ ടെണ്ടർ സംബന്ധിച്ച് ഉത്തരവ്

[തദ്ദേശ സ്വയംഭരണ (ഡിപി) വകുപ്പ്, ജി.ഒ (പി) നമ്പർ : 322/2003/തസ്വഭവ, Tvpm., Dtd. 3.11.03]

സംഗ്രഹം:- വികേന്ദ്രീകൃതാസൂത്രണം - പത്താം പഞ്ചവത്സര പദ്ധതി (2002-07) തദ്ദേശഭരണ സ്ഥാപനങ്ങളുടെ പൊതുമരാമത്ത് പണികളുടെ ടെണ്ടർ സംബന്ധിച്ച് - മാർഗ്ഗരേഖ - അംഗീകരിച്ച് - ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 6.6.2002-ലെ ജി.ഒ (എം എസ്) 20/2002/പ്ലാനിംഗ് നമ്പർ സർക്കാർ ഉത്തരവ്.

ഉത്തരവ്

തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ പത്താം പഞ്ചവത്സര പദ്ധതിയിൽ ഏറ്റെടുക്കുന്ന പൊതുമരാമത്ത് പണികളിൽ അദ്ധ്യാപക രക്ഷാകർത്തൃ സമിതികൾ ഏറ്റെടുക്കുവാൻ തയ്യാറാകുന്ന സ്കൂൾ, അംഗൻവാടി കെട്ടിടങ്ങൾ ഒഴികെയുള്ള കെട്ടിട നിർമ്മാണ പ്രവൃത്തികൾ, ടാറിംഗ് ആവശ്യമുള്ള റോഡുപണികൾ, എസ്റ്റിമേറ്റ് തുക 25,000 രൂപയിൽ കൂടുതലുള്ള പൊതുമരാമത്ത് പണികൾ എന്നിവ ടെണ്ടർ നൽകി നിർവഹണം നടത്തേണ്ടതാണെന്ന് പരാമർശത്തിലെ സർക്കാർ ഉത്തരവ് പ്രകാരം നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.

2. എന്നാൽ ആവർത്തിച്ച് ടെണ്ടർ ക്ഷണിച്ചിട്ടും ഒരു ടെണ്ടർ പോലും ലഭിക്കാത്ത പ്രോജക്ടുകൾ, ഒരു ടെണ്ടർ മാത്രം ലഭിച്ചിട്ടുള്ള പ്രോജക്ടുകൾ എന്നിവയുടെ നിർവഹണം സംബന്ധിച്ച് നിർദ്ദേശം നൽകേണ്ടതാണെന്ന് പല തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളും ആവശ്യപ്പെടുകയുണ്ടായി.

3. ഈ വിഷയവുമായി ബന്ധപ്പെട്ട എല്ലാ കാര്യങ്ങളും പരിശോധിച്ച് റിപ്പോർട്ട് സമർപ്പിക്കുവാൻ എൻജിനീയർമാരുടെ ഒരു ടെക്നിക്കൽ കമ്മിറ്റിയെ വികേന്ദ്രീകൃതാസൂത്രണ സംസ്ഥാനതല കോർഡിനേഷൻ സമിതി ചുമതലപ്പെടുത്തുകയുണ്ടായി. ടെക്നിക്കൽ കമ്മിറ്റിയുടെ നിർദ്ദേശങ്ങൾ കോർഡിനേഷൻ സമിതി ചർച്ച ചെയ്ത് ഗവൺമെന്റിലേക്ക് ശുപാർശ ചെയ്തിട്ടുണ്ട്.

4. കോർഡിനേഷൻ സമിതിയുടെ ശുപാർശകൾ ഗവൺമെന്റ് വിശദമായി പരിശോധിച്ച് തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളുടെ പൊതുമരാമത്ത് പണികൾക്ക് ടെണ്ടർ സ്വീകരിക്കുന്നതിനും കെട്ടിടങ്ങൾ, പാലങ്ങൾ എന്നിവയുടെ നിർമ്മാണത്തിന് എസ്റ്റിമേറ്റിനേക്കാൾ അധികം തുകയ്ക്ക് ടെണ്ടർ നൽകേണ്ടി വരികയാണെങ്കിൽ അത് സംബന്ധിച്ച നടപടികൾക്കും ചുവടെയുള്ള മാർഗ്ഗരേഖ അംഗീകരിച്ച് ഉത്തരവാകുന്നു.

4.1 തുടർച്ചയായി ടെണ്ടർ ക്ഷണിച്ചിട്ടും ഒരു ടെണ്ടർ പോലും ലഭിക്കാത്ത പൊതുമരാമത്ത് പണികൾ നടത്തുന്നതിന് തദ്ദേശഭരണ സ്ഥാപനങ്ങൾക്ക് അർഹരായ കോൺട്രാക്ടർമാരുമായി നേരിട്ട് നെഗോഷ്യേറ്റ് ചെയ്ത് എസ്റ്റിമേറ്റ് റേറ്റിലോ അതിൽ കുറവോ ആയ നിരക്ക് തീരുമാനിച്ച് നിർമ്മാണം ഏൽപ്പിക്കാവുന്നതാണ്. അപ്രകാരം നെഗോഷ്യേറ്റ് ചെയ്ത് കരാർ ഉറപ്പിക്കുമ്പോൾ എസ്റ്റിമേറ്റിനേക്കാൾ അധികം തുകയ്ക്ക് കരാർ നൽകുവാൻ പാടില്ലാത്തതാണ്.

4.2 എസ്റ്റിമേറ്റ് റേറ്റിലോ അതിൽ കുറഞ്ഞ നിരക്കിലോ ഒരു ടെണ്ടർ മാത്രം ലഭിക്കുകയാണെങ്കിൽ തദ്ദേശഭരണ സ്ഥാപനത്തിലേക്ക് നിയമിച്ചിട്ടുള്ള/ പുനർവിന്യസിക്കപ്പെട്ടിട്ടുള്ള എൻജിനീയറുടെ കാര്യകാരണസഹിതമുള്ള റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ പ്രസ്തുത ടെണ്ടർ സ്വീകരിച്ച് കരാർ നൽകാവുന്നതാണ്.

4.3 നെഗോഷ്യേറ്റ് ചെയ്താലും നിർവഹണം ഏൽപിക്കുവാൻ കഴിയാത്ത പ്രോജക്ടുകൾ തദ്ദേശഭരണ സ്ഥാപനങ്ങൾക്ക് നേരിട്ടോ അക്രഡിറ്റഡ് ഏജൻസികൾ മുഖേനയോ നടത്താവുന്നതാണ്. എന്നാൽ യാതൊരു കാരണവശാലും ഗുണഭോക്തൃസമിതിയെ ഏൽപിക്കുവാൻ പാടില്ലാത്തതാണ്.

4.4 തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളുടെ കെട്ടിടം, പാലം എന്നിവയുടെ നിർമ്മാണത്തിന് മാത്രം ചുവടെ വിവരിക്കുന്ന നിബന്ധനകൾക്ക് വിധേയമായി എസ്റ്റിമേറ്റ് തുകയേക്കാൾ 5 ശതമാനം ടെണ്ടർ എക്സസ് അനുവദിക്കാവുന്നതാണ്:-

(1) പൊതുമരാമത്ത് വകുപ്പിന്റെ 1999-ലെ ഷെഡ്യൂൾ നിരക്കുകൾ പ്രകാരം തയ്യാറാക്കിയിട്ടുള്ള എസ്റ്റിമേറ്റിനാണ് ടെണ്ടർ എക്സസ് പരിഗണിക്കേണ്ടത്.

(2) ടെണ്ടർ, റീടെണ്ടർ, നെഗോസിയേഷൻ മുതലായ നടപടികൾ സ്വീകരിച്ചതിനുശേഷം മാത്രമേ ടെണ്ടർ എക്സസ് നൽകുന്ന കാര്യം പരിഗണിക്കേണ്ടതുള്ളൂ.

(3) ടെണ്ടർ എക്സസ് നൽകിയെങ്കിൽ മാത്രമേ കരാർ പോകുകയുള്ളൂ എന്നുള്ള പ്രോജക്ടുകൾ ബന്ധപ്പെട്ട തദ്ദേശ ഭരണ സ്ഥാപനത്തിന്റെ പ്രസിഡന്റ്, പൊതുമരാമത്ത് സ്റ്റാന്റിംഗ് കമ്മിറ്റി ചെയർപേഴ്സൺ, സെക്രട്ടറി, ടെക്നിക്കൽ കമ്മിറ്റി ചെയർമാൻ, കൺവീനർ, തദ്ദേശ ഭരണ സ്ഥാപനത്തിലേക്ക് പുനർവിന്യസിക്കപ്പെട്ട/നിയമിക്കപ്പെട്ട എൻജിനീയർ എന്നിവർ ഉൾപ്പെട്ട ഒരു "ടെണ്ടർ കമ്മിറ്റി" വിശദമായി പരിശോധിച്ച് എസ്റ്റിമേറ്റ് തുകയുടെ 5 ശതമാനത്തിന് വിധേയമായി ടെണ്ടർ എക്സസിന്റെ പരിധി നിശ്ചയിക്കേണ്ടതാണ്.

(4) അപ്രകാരം ടെണ്ടർ കമ്മിറ്റി തലത്തിലും തീരുമാനം എടുക്കാൻ കഴിയാത്ത പ്രോജക്ടുകളുടെ നിർവഹണത്തിന് ചുവടെയുള്ള ഏതെങ്കിലും ഒരു രീതി അവലംബിക്കാവുന്നതാണ്.

(എ) നിർമ്മിതി കേന്ദ്രം, കോസ്റ്റ് ഫോർഡ്, ഹാബിറ്റാറ്റ് മുതലായ അക്രഡിറ്റഡ് ഏജൻസികൾ മുഖേനയുള്ള നിർവഹണം.

(ബി) നേരിട്ടുള്ള നിർവഹണം

(5) എന്നാൽ അക്രഡിറ്റഡ് ഏജൻസികൾ/നേരിട്ട് മുഖേനയുള്ള നിർവഹണത്തിന് പൊതുമരാമത്ത് പണികളുടെ നിർവഹണ ചട്ടങ്ങൾ നിർബ്ബന്ധമായും പാലിക്കേണ്ടതാണ്.

4.5 കെട്ടിടം, പാലം എന്നിവ ഒഴികെ മറ്റ് നിർമ്മാണ പ്രവൃത്തികൾക്ക് യാതൊരു കാരണവശാലും ടെണ്ടർ എക്സസ് അനുവദിക്കുവാൻ പാടില്ലാത്തതാണ്.

ഈ ഉത്തരവിന്റെ തീയതിയിലോ അതിനുശേഷമോ കരാർ വ്യവസ്ഥയിൽ ഏർപ്പെടുന്ന നിർമ്മാണ പ്രവൃത്തികൾക്കു മാത്രമേ ടെണ്ടർ എക്സസ് അനുവദിക്കുവാൻ പാടുള്ളൂ.

കുടുംബശ്രീ - ആശ്രയ പരിപാടിയുടെ പരിചരണ സേവനങ്ങളുടെ മാർഗ്ഗരേഖ സംബന്ധിച്ച്

[ആസൂത്രണ സാമ്പത്തികകാര്യ (എ) വകുപ്പ്, ജി.ഒ (MS) No. 71/2003/പ്ലാനിംഗ്, Tvpm, Dt. 12-11-03]

സംഗ്രഹം:- തദ്ദേശഭരണ സ്ഥാപനങ്ങളുടെ പത്താം പഞ്ചവത്സ പദ്ധതി - കുടുംബശ്രീ മുഖേനയുള്ള ആശ്രയ പരിപാടി - പരിചരണ സേവനങ്ങളുടെ മാർഗ്ഗരേഖ - അംഗീകരിച്ച് - ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

പരാമർശം: 1) 6.6.2002ലെ ജി.ഒ (എം.എസ്) 20/2002/പ്ലാനിംഗ് നമ്പർ സർക്കാർ ഉത്തരവ്

2) 28.3.2003ലെ ജി.ഒ (എം.എസ്) 45/2003/പ്ലാനിംഗ് നമ്പർ സർക്കാർ ഉത്തരവ്
3) 28.3.2003ലെ 4285/എ1/03/പ്ലാനിംഗ് നമ്പർ സർക്കുലർ
4) 7.3.2003 ലെ ജി.ഒ (ആർ.റ്റി) 872/2003/തസ്വഭവ നമ്പർ സർക്കാർ ഉത്തരവ്
5) 22.4.2003 ലെ ജി.ഒ (ആർ.റ്റി) 1428/2003/തസ്വഭവ നമ്പർ സർക്കാർ ഉത്തരവ്
6) 22.5.2003 ലെ ജി.ഒ (ആർ.റ്റി) 1756/2003/തസ്വഭവ നമ്പർ സർക്കാർ ഉത്തരവ്

ഉത്തരവ്

തദ്ദേശഭരണ സ്ഥാപനങ്ങളുടെ പത്താം പഞ്ചവത്സര പദ്ധതിരേഖ തയ്യാറാക്കുന്നതിനുള്ള മാർഗ്ഗരേഖ പരാമർശം ഒന്നിലെ സർക്കാർ ഉത്തരവ് പ്രകാരം പുറപ്പെടുവിച്ചിട്ടുണ്ട്. ഗ്രാമപ്രദേശങ്ങളിലെ നിരാശ്രയരും നിരാലംബരുമായ അഗതി കുടുംബങ്ങളെ കണ്ടെത്തുന്നതിനും പുനരധിവസിപ്പിക്കുന്നതിനും കുടുംബശ്രീ ആവിഷ്കരിച്ചിട്ടുള്ള "ആശ്രയ" പരിപാടി പ്രകാരമുള്ള പ്രോജക്ടുകൾ ഏറ്റെടുക്കുന്നതിന് പരാമർശം രണ്ടിലെ സർക്കാർ ഉത്തരവ് പ്രകാരം ഗ്രാമ, ബ്ലോക്ക്, ജില്ലാ പഞ്ചായത്തുകൾക്ക് അനുവാദം നൽകിയിട്ടുണ്ട്.

2. സംസ്ഥാനത്തെ 101 ഗ്രാമപഞ്ചായത്തുകൾ അഗതി കുടുംബങ്ങളെ കണ്ടെത്തുന്നതിനും പുനരധിവസിപ്പിക്കുന്നതിനുമുള്ള പ്രോജക്ടുകൾ ആവിഷ്കരിക്കുകയും അവയ്ക്ക് "ആശ്രയ" പരിപാടി പ്രകാരമുള്ള പുനരധിവാസ ഫണ്ട് പരാമർശം നാല് മുതൽ ആറ് വരെയുള്ള സർക്കാർ ഉത്തരവുകൾ പ്രകാരം അനുവദിക്കുകയും ചെയ്തിട്ടുണ്ട്. എന്നാൽ ആശ്രയ പരിപാടി പ്രകാരം ഏറ്റെടുത്തു നടപ്പാക്കാവുന്ന പരിചരണ സേവനങ്ങളുടെ പാക്കേജ് സംബന്ധിച്ച് വ്യക്തമായ മാർഗ്ഗരേഖ പുറപ്പെടുവിക്കേണ്ടതാണെന്ന് വികേന്ദ്രീകൃതാസൂത്രണ സംസ്ഥാനതല കോർഡിനേഷൻ സമിതി ശുപാർശ ചെയ്തിട്ടുണ്ട്.

3. കോർഡിനേഷൻ സമിതിയുടെ ശുപാർശ ഗവൺമെന്റ് വിശദമായി പരിശോധിച്ച് നിരാശ്രയരും നിരാലംബരുമായ അഗതികളുടെ പുനരധിവാസത്തിനു വേണ്ടി കുടുംബശ്രീ മുഖേന നടപ്പാക്കുന്ന "ആശ്രയ" പരിപാടി പ്രകാരം നടപ്പാക്കാവുന്ന പരിചരണ സേവനങ്ങളുടെ പാക്കേജിന് ഈ ഉത്തരവിന്റെ അനുബന്ധമായി നൽകിയിട്ടുള്ള മാർഗ്ഗരേഖ അംഗീകരിച്ച് ഉത്തരവാകുന്നു.

4. പരാമർശം ഒന്നിലെ സർക്കാർ ഉത്തരവ് ഇപ്രകാരം ഭേദഗതി ചെയ്യുന്നു.

അനുബന്ധം

കുടുംബശ്രീ മുഖേന നടപ്പാക്കുന്ന "ആശ്രയ" പരിപാടിയിലെ
പരിചരണ സേവനങ്ങളുടെ പാക്കേജിന്റെ മാർഗ്ഗരേഖ

1. ആശ്രയ പരിപാടിയുടെ അഗതി കുടുംബങ്ങളെ കുടുംബശ്രീ അയൽക്കൂട്ടങ്ങൾ മുഖേന കണ്ടെത്തേണ്ടതാണ്. അപ്രകാരം കണ്ടെത്തുന്ന അഗതി കുടുംബങ്ങളുടെ ലിസ്റ്റ് ഗ്രാമസഭയിലും ഗ്രാമപഞ്ചായത്ത് ഭരണസമിതിയിലും അവതരിപ്പിച്ച് അംഗീകാരം വാങ്ങേണ്ടതാണ്. ഗ്രാമപഞ്ചായത്തുകളുടെ അംഗീകാരത്തോടെ തയ്യാറാക്കുന്ന അഗതി കുടുംബങ്ങളുടെ ലിസ്റ്റിലുള്ളവർക്ക് മാത്രമേ പാക്കേജ് പരിപാടിയുടെ ആനുകൂല്യങ്ങൾ നൽകേണ്ടതുള്ളൂ.

2. ഗ്രാമപ്രദേശങ്ങളിലെ കൊടിയ ദാരിദ്ര്യം അനുഭവിക്കുന്ന പൊതു വിഭാഗം അഗതികൾക്കായി നടപ്പാക്കുന്ന "ആശ്രയ" പരിപാടി പ്രകാരം ഭക്ഷണം, വസ്ത്രം, ആരോഗ്യ പരിരക്ഷ, പെൻഷൻ, വിദ്യാഭ്യാസം എന്നീ അതിജീവന ആവശ്യങ്ങളും; കിടപ്പാടം, വീട്, കുടിവെള്ളം, ശുചിത്വ സംവിധാനങ്ങൾ എന്നീ അടിസ്ഥാന സൗകര്യ ആവശ്യങ്ങളും, തൊഴിൽ പരിശീലനം, വൈദഗ്ദ്ധ്യ പരിശീലനം തുടങ്ങിയ വികസനാവശ്യങ്ങളും, സമൂഹത്തിലെ ഇതര വിഭാഗങ്ങൾക്കൊപ്പം ഇടപഴകുന്നതിന് ആത്മബലം നല്കുന്നതിന് ആവശ്യമായ കൗൺസിലിംഗ്, പരിശീലനം മുതലായ മാനസിക ആവശ്യങ്ങളും പരിഹരിക്കുന്നതുൾപ്പെടെയുള്ള പരിചരണ സേവനങ്ങളുടെ പാക്കേജ് അഗതി പുനരധിവാസ പ്രോജക്ട് നടപ്പാക്കുന്ന എല്ലാ ഗ്രാമപഞ്ചായത്തുകൾക്കും ഏറ്റെടുക്കാവുന്നതാണ്. പ്രസ്തുത പാക്കേജിൽ ഉൾപ്പെടുത്താവുന്ന ഓരോ ആവശ്യങ്ങളും അവ പരിഹരിക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങളും ചുവടെ നൽകുന്നു:

2.1 ഭക്ഷണമില്ലായ്മ

(i) 65 വയസിനു മുകളിൽ പ്രായമുള്ള എല്ലാവർക്കും അന്നപൂർണ പദ്ധതി പ്രകാരം ഭക്ഷ്യധാന്യം സൗജന്യമായി ലഭ്യമാക്കുക.

(ii) കൊടിയ ദാരിദ്ര്യം അനുഭവിക്കുന്ന അഗതി കുടുംബങ്ങൾക്ക് അന്ത്യോദയ അന്നയോജന പദ്ധതി പ്രകാരം ഭക്ഷ്യധാന്യം നല്കുന്നതിനാവശ്യമായ തുക ബന്ധപ്പെട്ട ഗ്രാമപഞ്ചായത്തിന്റെ കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്നും നേരിട്ട് കുടുംബങ്ങളുടെ റേഷൻ കാർഡ് രജിസ്റ്റർ ചെയ്തിട്ടുള്ള പൊതുവിതരണ കേന്ദ്രത്തിൽ (റേഷൻ ഷോപ്പിൽ) ഒടുക്കി ഭക്ഷ്യധാന്യം ലഭ്യമാക്കുക.

(iii) ഗ്രാമവികസന വകുപ്പ് നടപ്പിലാക്കുന്ന തൊഴിൽ ദാന പരിപാടികളിൽ അഗതികളെ പ്രത്യേക പരിഗണന നൽകി പങ്കെടുപ്പിക്കുന്നതിലൂടെ ജോലിക്ക് വേതനവും ഭക്ഷ്യധാന്യവും ലഭ്യമാക്കുന്നതിനുള്ള പ്രത്യേക കർമപരിപാടി നടപ്പാക്കുക.

(iv) പ്രത്യേക കാരണവശാൽ ഭക്ഷണം പാചകം ചെയ്യുന്നതിനു പോലും ശേഷിയില്ലാത്ത കുടുംബങ്ങൾക്ക് (ഉദാഹരണം: മാനസിക രോഗികൾ, ശാരീരിക-മാനസിക വെല്ലുവിളികൾ നേരിടുന്നവർ, ഗുരുതര

മായ രോഗം ബാധിച്ചവർ, വൃദ്ധർ എന്നിവർ മാത്രമുള്ള കുടുംബങ്ങൾ) കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ട് വിനിയോഗിച്ച് അംഗൻവാടി പോലുള്ള സാമൂഹ്യ സ്ഥാപനങ്ങളിലൂടെ ഭക്ഷണം പാചകം ചെയ്ത് വിതരണം ചെയ്യുന്നതിന് നടപടി സ്വീകരിക്കുക. ഈ ചുമതല കുടുംബശ്രീ അയൽക്കൂട്ടങ്ങളെയും ഏരിയാ ഡെവലപ്മെന്റ് സൊസൈറ്റികളെയും ഏല്പിക്കാവുന്നതാണ്. അപ്രകാരം ഒരു മാസം ഭക്ഷണം പാചകം ചെയ്ത് നൽകുന്നതിനാവശ്യമായ ചെലവ് ഗ്രാമപഞ്ചായത്തിന്റെ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്ന് മുൻകൂറായി കമ്മ്യൂണിറ്റി ഡവലപ്മെന്റ് സൊസൈറ്റികൾക്ക് നൽകി ഭക്ഷണം മുടക്കം കൂടാതെ വിതരണം ചെയ്യുന്നുവെന്ന് ഉറപ്പു വരുത്തേണ്ടതാണ്.

2.2 അനാരോഗ്യം

(i) ക്ഷയം, കുഷ്ഠം, ക്യാൻസർ, അപൂർവരോഗങ്ങൾ, എയ്ഡ്സ്, ഹൃദ്രോഗം, വൃക്ക/മസ്തിഷ്ക സംബന്ധമായ രോഗങ്ങൾ മുതലായ മാരക രോഗങ്ങൾക്ക് ഇരയാവുന്നവർക്ക് ചികിത്സാ സഹായം നല്കുവാൻ ഗ്രാമ- ബ്ലോക്ക്-ജില്ലാ പഞ്ചായത്തുകൾക്ക് കൈമാറ്റം ചെയ്തിട്ടുള്ള ആശുപത്രികളുടെ സേവനം പ്രത്യേകമായി പ്രയോജനപ്പെടുത്തുവാൻ ബന്ധപ്പെട്ട തദ്ദേശഭരണ സ്ഥാപനങ്ങൾ നടപടി സ്വീകരിക്കുക.

(ii) ഈ ആവശ്യത്തിന് മെഡിക്കൽ കോളേജുകളിലും ജില്ലാ/ജനറൽ ആശുപത്രികളിലും ലഭ്യമായ സ്പെഷ്യലിസ്റ്റ് ഡോക്ടർമാരുടെ സേവനം പ്രത്യേകമായി പ്രയോജനപ്പെടുത്തേണ്ടതാണ്. ഇതിനുവേണ്ടി മെഡിക്കൽ ക്യാമ്പുകൾ സംഘടിപ്പിക്കുന്നതിനാവശ്യമായ ചെലവ് കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്നും വഹിക്കാവുന്നതാണ്.

(iii) തദ്ദേശ ഭരണ സ്ഥാപനങ്ങളുടെ പരിധിക്കുള്ളിൽ/സമീപ പ്രദേശത്ത് പ്രവർത്തിക്കുന്ന ആധുനിക സൗകര്യങ്ങളുള്ള സ്വകാര്യ ആശുപത്രികൾ ഈ വിധത്തിലുള്ള രോഗം ബാധിച്ച് അഗതി കുടുംബാംഗങ്ങളുടെ ചികിത്സ സൗജന്യമായി ഏറ്റെടുക്കുന്നതിന് ബന്ധപ്പെട്ട തദ്ദേശഭരണസ്ഥാപനങ്ങൾ അവയുടെ സ്വാധീനം ചെലുത്തേണ്ടതാണ്.

(iv) പ്രധാനമന്ത്രിയുടെ/മുഖ്യമന്ത്രിയുടെ ദുരിതാശ്വാസ നിധിയിൽ നിന്നും അർഹതയുള്ളവർക്ക് ചികിത്സാ സഹായം ലഭ്യമാക്കുന്നതിനാവശ്യമായ നടപടികൾ അതത് തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ സ്വീകരിക്കേണ്ടതാണ്.

(v) രോഗികൾക്കാവശ്യമായ വില കൂടിയ മരുന്നുകൾ ഉൾപ്പെടെയുള്ള ഔഷധങ്ങൾ യഥാസമയം ലഭിക്കുന്നുവെന്ന് ഉറപ്പു വരുത്തുവാൻ തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ വാങ്ങി കൊടുക്കുകയോ, സേവനങ്ങൾ ലഭ്യമാക്കുകയോ, മരുന്നുകൾക്കും സേവനങ്ങൾക്കുമായി ചെലവഴിച്ച തുക അഗതി കുടുംബങ്ങൾക്ക് നല്കുകയോ ചെയ്യേണ്ടതാണ്. ഇതിനാവശ്യമായ തുക കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്ന് ചെലവാക്കാവുന്നതാണ്.

(vi) തദ്ദേശ ഭരണ സ്ഥാപനത്തിലെ നല്ലവരായ സാമ്പത്തിക ശേഷിയുള്ള വ്യക്തികൾക്ക് ഒരു അഗതി കുടുംബത്തിന്റെ ചികിത്സാവശ്യങ്ങൾ സ്പോൺസർ ചെയ്യാൻ കഴിയുമെങ്കിൽ അതിനുള്ള സൗകര്യങ്ങൾ ഏർപ്പെടുത്തേണ്ടതാണ്. ഇത്തരത്തിൽ സ്പോൺസർമാരെ കണ്ടെത്തുന്നതിന് ആവശ്യമായ പ്രചാരണ പ്രവർത്തനങ്ങൾ, മീറ്റിംഗുകൾ, സെമിനാറുകൾ എന്നിവ ഗ്രാമപഞ്ചായത്തുകൾ സംഘടിപ്പിക്കേണ്ടതും അതിന് ആവശ്യമായ ചെലവ് ഗ്രാമപഞ്ചായത്തിന്റെ പൊതുവിഭാഗം പദ്ധതി വിഹിതത്തിൽ നിന്നോ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്നോ വഹിക്കാവുന്നതുമാണ്.

(vii) റോട്ടറി/ലയൺസ്/ഇൻഡ്യൻ മെഡിക്കൽ അസോസിയേഷൻ മുതലായ സംഘടനകളുടെ സേവനം ഇക്കാര്യത്തിൽ പ്രയോജനപ്പെടുത്തുന്നതിന് തദ്ദേശഭരണ സ്ഥാപനങ്ങൾ സ്വാധീനം ചെലുത്തേണ്ടതാണ്.

(viii) ഗ്രാമപഞ്ചായത്തു തലത്തിൽ ലഭ്യമായ സേവന സന്നദ്ധതയുള്ള ആതുര ശുശ്രൂഷാ പ്രവർത്തകരുടെ ഒരു സമിതി രൂപീകരിക്കുകയും അഗതി കുടുംബങ്ങൾ നേരിടുന്ന ആരോഗ്യപ്രശ്നങ്ങൾ പരിഹരിക്കുന്നതിന് അവരുടെ സേവനം ലഭ്യമാക്കുകയും ചെയ്യേണ്ടതാണ്.

2.3 ശാരീരികവും മാനസികവുമായ വെല്ലുവിളികൾ നേരിടുന്നവർക്ക് (വികലാംഗർക്ക്) ആശ്വാസം നൽകൽ

(i) ഗ്രാമ വികസന വകുപ്പ് നടപ്പാക്കുന്ന ഇന്ദിര ആവാസ് യോജന, എസ്.ജി.ആർ.വൈ മുതലായ കേന്ദ്രാവിഷ്കൃത പദ്ധതികളിൽ അനുവദനീയമായ മൂന്ന് ശതമാനം തുക വിനിയോഗിക്കുന്ന പ്രോജക്ടുകൾ വികലാംഗർ ഉള്ള അഗതി കുടുംബാംഗങ്ങളുടെ പുനരധിവാസം ഏറ്റെടുത്തിട്ടുള്ള ഗ്രാമപഞ്ചായത്തുകളിൽ പ്രത്യേക മുൻഗണന നൽകി നടപ്പാക്കേണ്ടതാണ്.

(ii) വികലാംഗക്ഷേമ കോർപ്പറേഷൻ, കേരള ഫെഡറേഷൻ ഓഫ് ദി ബ്ലൈന്റ് തുടങ്ങിയ സ്ഥാപനങ്ങളുടെ സഹായത്തോടെ അഗതികളായവർക്ക് തൊഴിൽ വൈദഗ്ദ്ധ്യ പരിശീലനം നല്കുവാനുള്ള പ്രോജക്ടുകൾ തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾക്ക് ഏറ്റെടുക്കാവുന്നതാണ്.

(iii) അഗതി കുടുംബങ്ങളിലെ വികലാംഗർക്ക് തൊഴിൽ നല്കുന്നതിനു വേണ്ടി തയ്യാറാക്കുന്ന പ്രോജക്ടുകൾക്ക് ഗ്രാമ, ബ്ലോക്ക്, ജില്ലാ പഞ്ചായത്തുകളുടെ പൊതുവിഭാഗം പദ്ധതി വിഹിതം വിനിയോഗിക്കാവുന്നതാണ്.

(iv) അപ്രകാരമുള്ള പ്രോജക്ടുകൾക്ക് കേന്ദ്ര-സംസ്ഥാന സോഷ്യൽ വെൽഫയർ ബോർഡുകളുടെ സാമ്പത്തിക സഹായം ലഭ്യമാക്കുന്നതിന് തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ നടപടി സ്വീകരിക്കേണ്ടതാണ്.

2.4 പെൻഷൻ

കൊടിയ ദാരിദ്ര്യം അനുഭവിക്കുന്ന അഗതികൾക്ക് വാർദ്ധക്യകാല പെൻഷൻ പ്രത്യേക പരിഗണന നൽകി അനുവദിക്കേണ്ടതാണ്.

2.5 കിടപ്പാടം - ഭൂമി

(i) വീട് വയ്ക്കുവാൻ ഭൂമിയില്ലാത്ത അഗതി കുടുംബങ്ങൾക്ക് മുൻഗണന നൽകി വീട് വയ്ക്കുവാൻ ഭൂമി വാങ്ങി നല്കുന്ന പ്രോജക്ടുകൾ ഗ്രാമ- ബ്ലോക്ക്-ജില്ലാ പഞ്ചായത്തുകൾക്ക് ഏറ്റെടുക്കാവുന്നതാണ്.

(ii) അഗതി പുനരധിവാസ പദ്ധതിയിൽ ഉൾപ്പെടുത്തി ഭൂമി വാങ്ങി നൽകുന്നതിന് സ്റ്റാമ്പ് ഡ്യൂട്ടിക്ക് ആവശ്യമായ ചെലവ് കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്ന് ചെലവഴിക്കാവുന്നതാണ്.

(iii) അഗതി പുനരധിവാസ പദ്ധതി പ്രകാരം അഗതി കുടുംബങ്ങളെ പുനരധിവസിപ്പിക്കുന്നതിന് ചൂരുങ്ങിയത് മൂന്ന് സെന്റ് ഭൂമി കമ്മ്യൂണിറ്റി ഡെവലപ്മെന്റ് സൊസൈറ്റി മുഖേന കണ്ടെത്തി വാങ്ങുന്നതിന് ഭൂമിയുടെ യഥാർത്ഥ വിലയോ 19,500 രൂപയോ ഏതാണോ കുറവ് ആ തുക സൊസൈറ്റി മുഖേന ഉടമസ്ഥന് സബ്സിഡിയായി നല്കാവുന്നതാണ്.

2.6 പാർപ്പിടം (വീട്)

(i) ബ്ലോക്ക്, ജില്ലാ പഞ്ചായത്തുകൾക്കും അഗതി കുടുംബങ്ങൾക്കുള്ള ഭവന നിർമ്മാണ പരിപാടി ഏറ്റെടുക്കാവുന്നതാണ്.

(ii) അഗതി കുടുംബങ്ങൾക്ക് ഭവന നിർമ്മാണത്തിന് സബ്സിഡിയായി നല്കുന്ന തുക ഫലപ്രദമായി വിനിയോഗിക്കുന്നതിന് അയൽക്കൂട്ടങ്ങളുടെയോ സന്നദ്ധ സംഘടനകളുടെയോ സേവനം പ്രയോജനപ്പെടുത്താവുന്നതാണ്.

2.7 കുടിവെള്ളം

(i) ഗ്രാമ പഞ്ചായത്തുകളിൽ നിലവിലുള്ള കുടിവെള്ള പദ്ധതിയിൽ അഗതി കുടുംബങ്ങളുടെ വാസസ്ഥലത്തിനു സമീപം പബ്ലിക് സ്റ്റാന്റ് പോസ്റ്റ് ലഭ്യമാക്കുന്നതിന് നടപടി സ്വീകരിക്കേണ്ടതാണ്.

(ii) പുതുതായി ആരംഭിക്കുന്ന കുടിവെള്ള പദ്ധതികളിൽ അഗതി കുടുംബങ്ങൾക്ക് പ്രത്യേക പരിഗണന നൽകേണ്ടതാണ്.

(iii) സ്ഥലത്തിന്റെ ലഭ്യതയും വെള്ളം ലഭിക്കുന്നതിനുള്ള സാദ്ധ്യതയും അനുസരിച്ച് തുറസ്സായ കിണർ കുഴിക്കുന്നത് പ്രോത്സാഹിപ്പിക്കാവുന്നതാണ്.

2.8 വിദ്യാഭ്യാസം

(i) അഗതി കുടുംബങ്ങളിൽ സ്കൂളിൽ ചേരാത്ത കുട്ടികളുണ്ടെങ്കിൽ അവരെ കണ്ടെത്തി സമീപത്തുള്ള സ്കൂളിൽ പ്രവേശിപ്പിക്കുന്നതിന് നടപടി സ്വീകരിക്കേണ്ടതാണ്.

(ii) വിദ്യാഭ്യാസം ഉപേക്ഷിച്ചവരെ വീണ്ടും സ്കൂളിൽ ചേർക്കാൻ നടപടി സ്വീകരിക്കേണ്ടതാണ്. അതു പ്രകാരം അഗതി കുടുംബങ്ങളിലെ 18 വയസ്സിനു താഴെ പ്രായമുള്ള എല്ലാ കുട്ടികളും വിദ്യാഭ്യാസം ചെയ്യുന്നുവെന്ന് ഉറപ്പു വരുത്തേണ്ടതാണ്.

(iii) സ്കൂൾ കുട്ടികൾക്ക് ആവശ്യമായ പഠനോപകരണം, യൂണിഫോം, കുട, ചെരിപ്പ്, ബാഗ് മുതലായവ ലഭ്യമാക്കുന്നതിനാവശ്യമായ സഹായങ്ങൾ വ്യക്തികളോ സംഘടനകളോ ഏർപ്പെടുത്തുന്ന സ്പോൺസർഷിപ്പിലൂടെ കണ്ടെത്തുന്നതിന് നടപടി സ്വീകരിക്കാവുന്നതാണ്.

(iv) ഓരോ ഗ്രാമപഞ്ചായത്തിലും ഉന്നത ബിരുദധാരികൾ, കോളേജ് വിദ്യാർത്ഥികൾ, സേവന സന്നദ്ധരായ അദ്ധ്യാപകർ, സാക്ഷരതാ പ്രേരക്മാർ എന്നിവരെ ഉൾപ്പെടുത്തി ഒരു അക്കാദമിക് ഗ്രൂപ്പ് (Quality Circle) രൂപീകരിച്ച് അഗതി കുടുംബങ്ങളിൽപ്പെട്ട വിദ്യാർത്ഥികളുടെ പഠന നിലവാരം മെച്ചപ്പെടുത്തുന്നതിന് പ്രത്യേക ക്ലാസുകൾ സംഘടിപ്പിക്കേണ്ടതാണ്. ഇതിനാവശ്യമായ സംഘാടന ചെലവ് കുടുംബശ്രീ അഗതി പുനരധിവാസ ഫണ്ടിൽ നിന്നും വഹിക്കാവുന്നതാണ്. എന്നാൽ സന്നദ്ധ പ്രവർത്തകർക്കോ സംഘാടകർക്കോ ഹോണറേറിയം അനുവദിക്കുവാൻ പാടില്ലാത്തതാണ്.

2.9 സാമൂഹ്യമായ ഒറ്റപ്പെടൽ

(i) സാമൂഹ്യമായ ഒറ്റപ്പെടൽ ഒഴിവാക്കുന്നതിന് കൊടിയ ദാരിദ്ര്യം അനുഭവിക്കുന്ന അഗതി കുടുംബങ്ങളെ അയൽക്കൂട്ടങ്ങളിൽ നിർബന്ധമായും അംഗങ്ങളാക്കുവാൻ കമ്മ്യൂണിറ്റി ഡെവലപ്മെന്റ് സൊസൈറ്റികൾ നടപടി സ്വീകരിക്കണം.

(ii) പുനരധിവാസ പ്രവർത്തനങ്ങളുടെ നിർവഹണം, മേൽനോട്ടം, മോണിട്ടറിംഗ് മുതലായ കാര്യങ്ങൾ അയൽക്കൂട്ടങ്ങളുടെ ചുമതലയിലായിരിക്കണം.

(iii) അഗതി കുടുംബങ്ങൾ നേരിടുന്ന പ്രശ്നങ്ങൾ സമൂഹത്തിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നതിനുള്ള ബോധവല്ക്കരണ പ്രവർത്തനങ്ങൾ, അവരെ കണ്ടെത്തുന്നതിനുള്ള സർവ്വെ എന്നിവ കമ്മ്യൂണിറ്റി ഡെവലപ്മെന്റ് സൊസൈറ്റികളുടെ സഹകരണത്തോടെ തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ സംഘടിപ്പിക്കേണ്ടതാണ്.

(iv) അഗതി കുടുംബങ്ങളെ സമൂഹത്തിലെ മറ്റു വിഭാഗങ്ങൾക്കൊപ്പം ഇടപഴകുന്നതിനുള്ള ആത്മ ബലം നൽകുന്നതിന് അനുയോജ്യമായ ശാസ്ത്രീയ കൗൺസിലിംഗ് സെന്ററുകൾ തദ്ദേശഭരണ സ്ഥാപനങ്ങൾ ആരംഭിക്കുകയോ, കൗൺസിലിംഗ് ക്യാമ്പുകൾ സംഘടിപ്പിക്കുകയോ ചെയ്യാവുന്നതാണ്.

(v) കൗൺസിലിംഗ് മുഖേന അഗതികളുടെ സ്വന്തം സ്വത്വം തിരിച്ചറിയുന്നതിനും മാനസികമായ കഴിവുകൾ വികസിപ്പിക്കുന്നതിനും ആവശ്യമായ പരിശീലനങ്ങൾ മന:ശാസ്ത്രജ്ഞരുടേയും വിദഗ്ദ്ധരുടേയും പങ്കാളിത്തത്തോടെ സംഘടിപ്പിക്കുന്നതിനും ആവശ്യമായ സംഘാടന ചെലവുകൾ പൊതു വിഭാഗം പദ്ധതി വിഹിതത്തിൽ നിന്നും വഹിക്കാവുന്നതാണ്.

വൈദ്യുത പ്രോജക്ടുകൾക്ക് ഡിപ്പോസിറ്റ് നൽകുന്നത് സംബന്ധിച്ച്

[തദ്ദേശ സ്വയംഭരണ (ഡിപി) വകുപ്പ്, സ.ഉ (ആർ റ്റി) 4485/03/തസ്വഭവ, Tvpm, Dtd. 17/12/03]

സംഗ്രഹം:- തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ വൈദ്യുത പ്രോജക്ടുകൾക്ക് ഡിപ്പോസിറ്റ് നൽകുന്നത് സംബന്ധിച്ച് നിർദ്ദേശം നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഉത്തരവ്

തദ്ദേശ ഭരണ സ്ഥാപനങ്ങൾ കേരള സ്റ്റേറ്റ് വൈദ്യുതി ബോർഡിനെ ഏൽപ്പിക്കുന്ന വൈദ്യുതി ലൈൻ എക്സ്റ്റൻഷൻ പ്രോജക്ടുകളുടെ ഡിപ്പോസിറ്റ് തുക ഡിമാന്റ് ഡ്രാഫ്റ്റായി നൽകുവാൻ അനുവാദം നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഫോറസ്റ്റ് ഇൻഡസ്ട്രീസിനെ (ആലുവ) അക്രഡിറ്റഡ് ഏജൻസിയായി അംഗീകരിച്ച് ഉത്തരവ

[Local Self Government (DP) Department, G.O. (Rt.) No. 156/2004/LSGD., Tvpm, dated 13.01.2004]

Abstract:- Local Self Government Deptt. -M/s. Forest Industries (Tranancore) Ltd., Aluva - Approved as an accredited Agency for executing the works proposed by Local Self Government Institutions - Orders issued.

Read:- 1. Lr.No.FIT/MDO/04/2003-04/99 dated 24.04.2003 from the Managing Director, Forest Industries (Travancore) Ltd.

2. Lr. No. 2200/2003/DP/SPB. dated 14.08.2003 from the Member Secretary, State Planning Board.

Order

In the circumstances explained in the letter read as first paper above and as recommended by the State Planning Board, Government are pleased to approve M/s. Forest Industries (Travancore) Ltd., Aluva as an accredited agency for executing the following works proposed by Local Self Government Institutions.

1. Manufacturing and supply of cubicles and partition work for computerisation (using wood, aluminium and particle board etc.)
2. Supply of computer furniture
3. Interior decoration works
4. Manufacturing and supply of all types of furniture
5. Aluminium and steel fabrication works.

പ്ലാസ്റ്റിക് സഞ്ചികളുടെ നിരോധനം സംബന്ധിച്ച് ഉത്തരവ്

[സി4.30863/03, പഞ്ചായത്ത് ഡയറക്ടറാഫീസ്, തിരുവന്തപുരം, തീയതി 30.1.2004]

പഞ്ചായത്ത് ഡയറക്ടർ

എല്ലാ പഞ്ചായത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർക്കും

സർ,

വിഷയം : പ്ലാസ്റ്റിക് കൃാരി ബാഗുകളുടെ നിരോധനം സംബന്ധിച്ച്

സൂചന : 1. സ.ഉ (പി) നമ്പർ. 264/2003/തസ്വഭവ, തീയതി. 1.9.03

2. സ.ഉ (സാധാ) നമ്പർ. 3804/03/തസ്വഭവ തീയതി 23-10-2003

സൂചന ഒന്നിലെ ഉത്തരവു പ്രകാരം 30 മൈക്രോണിൽ താഴെ കനമുള്ള പ്ലാസ്റ്റിക് സഞ്ചികൾ ഉൽപ്പാദിപ്പിക്കുന്നതും കടത്തിക്കൊണ്ടു പോകുന്നതും വില്പന നടത്തുന്നതും ഉപയോഗിക്കുന്നതും 2003 സെപ്റ്റംബർ 1-ാം തീയതി മുതൽ നിരോധിച്ചിരിക്കുന്നു. ടി നിരോധനം ഫലപ്രദമായി നടപ്പിൽ വരുത്തുന്നതിന് ഗ്രാമപഞ്ചായത്തുകൾ താഴെപ്പറയുന്ന നിർദ്ദേശങ്ങൾ കർശനമായി പാലിക്കേണ്ടതാണ്.

(1) പ്ലാസ്റ്റിക് നിരോധന കാര്യത്തിൽ ഗ്രാമപഞ്ചായത്തുകൾ സ്വീകരിച്ച നടപടിയെ സംബന്ധിച്ചുള്ള പ്രതിവാര റിപ്പോർട്ട് പഞ്ചാത്ത് ഡെപ്യൂട്ടി ഡയറക്ടർമാർക്ക് നൽകേണ്ടതാണ്.