

Kerala Panchayat Raj (Burial And Burning Grounds) Rules, 1998

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Kerala Panchayat Raj (Burial And Burning Grounds) Rules, 1998

1. Short title and commencement :-

1. These rules may be called the Kerala Panchayat Raj (Burial and Burning Grounds) Rules, 1998.
2. They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) Act means the Kerala Panchayat Raj Act, 1994 (13 of 1994);
- (b) Form means a form appended to these rules;
- (c) Panchayat means a Village Panchayat constituted under clause (a) of sub-section (1) of Section 4;
- (d) Secretary means the Secretary of a Village Panchayat;
- (e) Section means a section of the Act;
- (f) Words and expressions used but not defined in these rules, but

defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Providing burial and burning grounds by Panchayat :-

1. Any Panchayat shall, if no sufficient provision exists, with the previous sanction of the District Collector, provide land to be used as burial or burning grounds or cemeteries by meeting the expenditure from the Panchayat fund and may charge rents and fees as the Panchayat may decide, for the use thereof.

2. The request of a Panchayat for previous sanction to provide land under sub-rule (1) shall be submitted to the District Collector with the remarks of the District Medical Officer and the District Collector shall, before giving sanction, give due consideration to the remarks of the District Medical Officer regarding the suitability of the land selected as burial ground, giving priority to public health.

3. The Panchayat may lease out the collection of rent and fees under sub-rule (1) to any private person or institution, for any period not exceeding three years at a time on such terms and conditions as it may think fit.

4. Certain cemeteries to be deemed registered and to undertake and register or close ownerless cemeteries :-

(1) The cemeteries existing at the Commencement of these rules and registered or deemed to have been registered under the Kerala Panchayat (Burial and Burning grounds) Rules, 1967 shall be deemed to have been registered under these rules.

(2) If any dispute arises as to whether a cemetery is in existence at the commencement of these rules and deemed to have been registered under the Kerala Panchayat (Burial and Burning grounds) Rules, 1967, the same shall be subject to the decision of the concerned District Collector and the decision thereon shall be final.

(3) Where it appears to the Panchayat that there is no owner or person having control of any existing place used for burial, burning or otherwise disposing of the dead, the Panchayat shall assume such control and register such place, or may, with the sanction of the District Collector, close down it.

5. No burial and burning ground to be located within the limit of 50 metres of a dwelling house :-

(1) No new burial and burning ground shall be provided within the limit of 50 metres of dwelling houses:

Provided that in the case of concrete vaults and electric crematorium the distance shall be a minimum of 25 metres from dwelling houses.

(2) Whether there is any burial and burning place or not within the specified limit from the dwelling house is to be determined by considering the circumstance on the date of application for licence.

6. Issue of licence to burial or burning grounds :-

(1) No new burial or burning ground, whether public or private, shall be opened, constructed or used without a licence from the concerned District Collector.

(2) In the case of increasing or expanding the area of an existing cemetery ground the same shall be considered as opening of a new cemetery and these rules shall be applicable to such burial grounds.

(3) Application for licence shall be submitted to the concerned Secretary in Form No. 1.

(4) Application for licence shall be accompanied by a plan of the ground to be registered showing the location, boundary, extent etc., the name of the owner or person or community interested therein, the system of management and such other particulars as the District Collector may require.

(5) In the case of private cemetery the Panchayat shall consider the application within thirty days from the date of receipt of the application and forward the same with its recommendations to the concerned District Collector through the District Medical Officer.

(6) The District Medical Officer shall conduct such enquiries as he may deem necessary on the application received from the Panchayats and shall forward the application with his specific recommendations to the District Collector within thirty days of its receipt.

(7) The District Collector, shall, on receipt of the application, publish the same in a daily newspaper in the regional language of the locality having wide circulation, in the notice board of the Panchayat, notice board of village and other public places specified by the Government, a notice inviting objections, complaints or suggestion, if any, with regard to the issue of licence, in writing within thirty days at the cost of the applicant.

(8) The District Collector after considering the objections, complaints or suggestions received if any in pursuance of the notice under sub-

rule (7) and after conducting such enquiries, as may be deemed necessary, may,

(a) grant licence in Form No. II; or

(b) refuse to grant licence; or

(c) postpone the grant of a licence until objections regarding the ground have been removed or any particulars called for by him have been furnished.

(9) The District Collector shall pass an order under sub-rule (8) within six months from the date of receipt of the application and shall inform the same to the concerned Panchayat.

(10) Any person aggrieved by the order of the District Collector under sub-rule (8) may, within thirty days from the date of order may file an appeal before the Government.

Explanation. In computing the above said thirty (30) days the time required for obtaining copies of major records connected with the order appealed against shall be excluded.

(11) The Government may pass such orders on the appeal as they think fit, after conducting such enquiries as they deem necessary.

7. Registration of cemeteries :-

(1) A register shall be maintained at the Panchayat Office, in which grounds registered, deemed to be registered, licenced or provided under Rules 3, 4 and 6 and all such grounds registered, licenced or provided before the commencement of these rules shall be recorded and the plans of such grounds shall be filed in such office.

(2) A notice in the regional language, Malayalam and English to the effect that such place has been registered, licenced or provided under sub-rule (1), shall be affixed at some conspicuous part at or near the entrance of such place.

(3) The register referred to in sub-rule (1) shall be inspected periodically by the Officer authorised by the Government in this behalf.

8. Prohibition of use of ground not registered, licenced or provided to dispose of the corpse :-

No person shall bury, burn or otherwise dispose of any corpse other than in any ground, which has been registered or has been deemed to be registered or for which licence has been given or provided under these rules :

Provided that in each particular case, any corpse can be buried, burned or otherwise disposed or under customary rite in private

ground without being injurious to public health.

9. Registers regarding burial and burning to be maintained :-

(1) A register in Form No. III for recording the details regarding burial, burning or otherwise disposing of the corpse, shall be maintained by the Secretary or the Officer authorised by him in the case of public cemeteries and by the Secretary or other responsible Officer of the organisation, association or institution having control of such places in the case of private cemeteries and in each case of burial, burning or otherwise disposing of the corpse details regarding it shall be recorded in the register.

(2) Registers maintained by the Secretary or other responsible officer of the organisation, association or institution having control of the private cemeteries may be inspected by the Secretary of the Panchayat or the officer authorised by him in this behalf.

10. Prohibition of cemeteries dangerous to health or overcrowded with graves :-

(1) If the Panchayat is satisfied,

(a) that any ground for the burial or burning which is registered or for which licence has been issued is in such a state or condition as to endanger or likely to endanger the health of persons living in the neighbourhood thereof; or

(b) that any burial ground is overcrowded with graves, and in the case of a public place for burial or burning or otherwise disposing of the corpse and other place as aforesaid, or there exists or is provided another convenient place duly authorised for the disposal of the corpse for the persons who ordinarily use such place, the Panchayat may decide requiring to prohibit burial, burning or otherwise disposing of any corpse in such place.

(2) The decision under sub-rule (1) shall be forwarded to the District Medical Officer and the District Medical Officer shall after conducting necessary enquiries in the matter submit the decision of the Panchayat to the District Collector with his specific recommendations.

(3) If the Collector, on considering the decision of the Panchayat and the recommendations of the District Medical Officer is satisfied that such place shall not be used for the disposal of the corpse, may give a notice that it shall not be lawful after the period to be specified in such notice to bury, burn or otherwise dispose of any

corpse in such place :

Provided that before giving notice, the person having control over such place shall be given a reasonable opportunity to file objections, if any, against such action.

(4) Every notice under sub-rule (3) shall be affixed on the notice board of the Panchayat Office, in a conspicuous place in the constituency in which the cemetery is located and at the entrance of the cemetery.

(5) After the expiry of the period specified in such notice, no person shall bury, burn or otherwise dispose of the corpse at such place.

(6) Any person having complaint on the notice under sub-rule (3) may, within thirty days from the date of the notice, file an appeal to the Government.

Explanation. The time required for obtaining copies of material records connected with the notice appealed against, shall be excluded in computing the above said thirty days.

(7) The Government may, after conducting such enquiries as they deem necessary, pass such orders on the appeal as they think fit.

11. Prohibition in respect of corpses :-

No person shall,

(a) bury or cause to be buried any corpse or part thereof in a grave, whether dug or constructed of masonry or otherwise in such a manner that the surface of the coffin or the surface of the corpse, where no coffin is used, is at a depth less than 2 metres from the surface of the ground ; or

(b) build or dig or cause to be built or dug any grave in any burial ground at a distance less than 75 centimetres from the margin of any other existing grave;

(c) without an order in writing of a Magistrate re-open a grave in which a corpse has already been buried ; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground but not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when a corpse or a part thereof is burnt or caused to be burnt permit the same or any part thereof or clothes thereon to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or a part thereof not decently

covered; or

(g) while carrying a corpse or a part thereof within the Panchayat area leave the same in or around any street for any purpose whatsoever ; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection:

Provided that the condition in clause (a) may be relaxed in the case of cemeteries located in sandy and low lying areas.

12. The Panchayat may make bye-laws :-

The Panchayat may, subject to the provisions of Section 256 and the Kerala Panchayat Raj (Procedure for making bye-laws) Rules, 1995 make bye-laws,

(a) for the regulation of cemeteries and grounds for otherwise disposing of the corpses;

(b) regarding the levy of fees for the burial and burning or otherwise disposing of the corpses in the cemeteries; and

(c) for fixing the time for the burial and burning or otherwise disposing of the corpses in the cemeteries.

13. Penalty for breach of rules :-

Any person who violates Rules 5, 6 (1), 8 and 10 (5) or abetting such violation shall, on conviction before a Magistrate, be punishable with a fine not exceeding one thousand rupees.