

Tribunal For The Kerala Local Self Government Institutions Rules, 1999

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Tribunal For The Kerala Local Self Government Institutions Rules, 1999

S. R. O. No. 1062/99.-In exercise of the powers conferred by section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with sections 271 S and 271 U thereof, and section 509 of the Kerala Municipality Act, 1994 (20 of 1994), the Government-of Kerala hereby make the following rules, namely I-RULES

1. Short title and commencement :-

(1) These Rules may be called the Tribunal for the Kerala Local Self Government Institutions Rules., 1999.

(2)They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,--

(a)"Form" means a form appended to these rules;

(b) "Municipality Act" means the Kerala Municipality Act, 1994 (20 of 1994);

(c)"Panchayat Act" means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(d)"Petition" means an appeal or revision submitted before the Tribunal under section 276 of the Panchayat Act or under section 509 of the Municipality Act;

(e)"Petitioner" means a person who submits a petition before the Tribunal;

(f)"Section" means a section of the Panchayat Act or of the Municipality Act.

(g)"Tribunal" means a Tribunal constituted under section 271 S of the Panchayat Act;

(h)Words and expressions used but not defined in these rules but defined in the Panchayat Act or Municipality Act shall have the meaning respectively assigned to them in the above said Acts.

3. Constitution of Tribunals :-

The Government shall, by notification in the Gazette, constitute, for a revenue district or for two or more revenue districts, a Tribunal under section 271 S of the Panchayat Act and in consultation with the Chief Justice of the High Court of Kerala appoint a Judicial Officer not below the rank of District Judge in the State Judicial Service as Tribunal.

4. Term of Office and conditions of service and pay of the Tribunal :-

A Person appointed as Tribunal may hold office till the completion of three years from the date of taking charge of the Office or till the date of retirement on superannuation from the judicial service, whichever is earlier and shall be deemed as if continued in the judicial service during the said period and shall be eligible for pay, allowances and other benefits accordingly.

5. Duties of Tribunal :-

The Tribunal shall perform the duties vested in it under the Panchayat Act, Municipality Act and these rules.

6. Staff :-

(1) The Government shall appoint a Secretary and other Officers and Staff as may be required to assist the Tribunal in performing its duties.

(2)The Secretary of the Tribunal shall be an Officer not below the rank of an Under Secretary in the Law Department.

7. Registers of the Tribunal :-

(1) The Tribunal shall maintain the following registers., namely:-

(a)Petition register in Form A ;

(b)Diary register in Form B;

(c)Other registers as are deemed to be necessary by the Tribunal.

(2) In the petition register, the details of [all the petitions received and disposed by the Tribunal and the summary of the final order issued by it shall be recorded.

(3) In the Diary register, the gist of all the petitions received by the Tribunal and notes in respect of the proceedings taken and orders passed at various stages from the date of receipt of each petition till the final disposal shall be recorded.

8. Petitions to the Tribunal :-

(1) A petition submitted to the Tribunal shall be an appeal or revision against a notice, order or proceedings of the Village Panchayat; or Municipality or its Standing Committee for Finance or the Secretary in respect of any matter specified in the schedule appended to these rules or added to the said schedule by the Government from time to time by notification.

(2) If the concerned Village Panchayat or the Municipality or the Standing Committee for Finance or the Secretary has not taken decision within the prescribed time limit in cases where time limit has been prescribed in the Panchayat Act or the Municipality Act or in the Rules, the affected party may., in this respect, file appeal before the Tribunal.

(3) Petitions under sub-rules (1) and (2) shall be in form C and the same shall be submitted before the Tribunal within thirty days from the date of the notice or order or proceedings against which the petition is filed or within ninety days in cases where decision has not been taken within sixty days of filing appeal before the Local Self Government Institutions:

Provided that the Tribunal may admit a petition submitted within one month after the said time limit, if the Tribunal is satisfied that there is sufficient reason for not submitting the petition within the time limit.

9. Copies of petition and document :-

The petitioner shall furnish to the Tribunal an attested copy each of the petition and of the connected documents also along with every petition submitted before the Tribunal and in addition, shall also submit as many attested copies thereof as the number of counter-petitioners.

10. Fees :-

The petitioner shall remit Fifty rupees as fee in the Office of the Tribunal or enclose along with the petition, a bank draft for the same amount payable at any bank at the Headquarters of

the Tribunal.

11. Defective petitions :-

The Tribunal may not entertain a petition that is not in compliance with the provisions of the Panchayat Act, the Municipality Act and the Rules thereof:

Provided that the defective petitions, after recording the defects therein, shall be returned to the petitioner and if the petitioner re-submits the petition so received back within fifteen days after rectifying the defects, the same shall be considered as if it has been duly furnished.

12. Manner of submitting petition :-

The petitioner may submit petition before the Tribunal direct or by registered post.

13. Registration of petitions :-

All petitions received by the Tribunal shall be entered in the petition register in form A.

14. Issue of acknowledgement receipt to the petitioner :-

The Tribunal or the Officer authorised by it shall, after registering the petition, issue an acknowledgement receipt in form D to the petitioner intimating that the petition has been received and the same has been registered.

15. Stay of proceedings in notice, order etc :-

The Tribunal may, on the application of the petitioner, issue order to stay any action in pursuance of the notice or order in issue in a petition or to discontinue the proceedings thereof already initiated, if it is satisfied that, in the interest of justice, it is necessary so to do and the parties concerned shall comply with the same.

16. Issue of notice to the counter petitioners :-

Immediately on registering a petition and giving acknowledgement receipt to the petitioner, the Tribunal shall issue a notice in form E to the counter-petitioner giving him a copy of the petition and informing him that he shall submit his statement in the matter and the documents thereof before the Tribunal within fifteen days from the date of receipt of the notice and that if no such statement is filed, the petition will be disposed ex-parte.

17. Examination of Witnesses and production of document :-

(1) The Tribunal may suo moto summon any person as witness and may direct any person including the petitioner or the counter-petitioner to produce or cause to be produced any document or record before the Tribunal.

(2) The Village Panchayat or Municipality or its Secretary who has been made the counter-petitioner in a petition shall produce the connected files and other documents of the Village Panchayat or Municipality as the case may be, along with the statement submitted before the Tribunal:

Provided that in case, the record cannot be produced for sufficient reasons, an attested copy of the same shall be produced along with the statement-

(3) All records and documents produced before the Tribunal in connection with disposing any petition shall be collected back from the Tribunal by the person who have produced such documents, within two months from the date of disposal of the petition.

18. Directions to the Local Self Government Institutions :-

If the Tribunal, on considering the petition and connected records, is satisfied that any notice or order issued or action taken by the Village Panchayat, Municipality or its Secretary as the case may be, is not issued or taken in accordance with the procedure under, the Panchayat Act or the Municipality Act or the rules made there under it may direct such Village Panchayat or Municipality or the Secretary to issue notice or order or to take action afresh complying the procedure under law.

19. Hearing the pleadings of the parties :-

(1) If the Tribunal, after considering the petition and the statement of the counter-petitioner and the connected documents, thinks that it is necessary to give an opportunity to the petitioner or counter-petitioner to be heard it may fix a date for the purpose and direct the petitioner and the counter-petitioner or the person authorised by them or, if found necessary, their advocate to appear before the Tribunal on that date:

Provided that the date for hearing of the petition shall, be fixed in such a manner as to dispose of the petition finally before the completion of sixty days from the date of receipt of the petition.

(2) The pleadings on the petitions may be heard by the Tribunal at its office or at the Office of the concerned Local Self Government Institution or at any other place as decided by the Tribunal.

(3) The Tribunal may dispose the petition ex-parte if any of the parties or advocate has not been present on the date of hearing or on any other date adjourned for hearing.

20. Order of the Tribunal :-

(1) The Tribunal shall, after considering the petition and connected records or, if there is trial of the parties, after the completion of such trial, issue an order recording its decision on the petition:

Provided that if the Tribunal thinks it necessary so to do, it may declare in advance a date to issue such order and shall issue the order on that date-

(2) An order of the Tribunal shall be in writing and shall bear the signature and seal of the Tribunal on it.

21. Consequence of the order of the Tribunal :-

(1) The notice or order issued or action taken by the Local Self Government Institution or its Secretary, as the case may be., shall stand as such or be modified or annulled in accordance with the final order of the Tribunal on the petition from the date of issue of such final order.

(2) Copy of the order of the Tribunal shall be issued to each party to the petition within one

week from the date of the order.

22. Rectification of mistakes in the order :-

The Tribunal may, at any time,, either suo moto or on the application of any of the parties rectify any error or omission accidentally occurred in the order.

23. Language to be used in the proceedings and order of the Tribunal :-

English or Malayalam may be used in any petition submitted before the Tribunal, and its trial, other proceedings and the orders thereto.

24. The petitions received by certain authorities shall be transferred to t/u Tribunal :-

(1) Any appeal or revision, filed before any authority under the Panchayat Act or Municipality Act or the rules framed there under prior to the constitution of the Tribunal under these rules and pending disposal, shall, immediately after the constitution of the Tribunal for the concerned Local Self Government Institution, lie transferred to the said Tribunal by the Authority concerned.

(2) An appeal or revision transferred under sub-rule (1) shall be disposed by the Tribunal as if it were a petition duly submitted under these rules.

25. Power of the Tribunal in certain casts :-

In matters which are not provided in the Panchayat Act, the Municipality Act and these rules, the Tribunal shall have power to regulate the procedure in connection with the disposal of a petition in the manner it thinks proper.

FORM A

FORM 'A'

(See Rule 7)

(See Rule 7)

Tribunal for the Local Self Government Institutions.

Serial Number	Date of Registration of petition	Name and Address of the petitioner	Name and Address of the counter petitioner	Nature of petition (Whether Appeal or revision)	Contents of the petition in short	Date of issuing final order	Order in brief	Signature of tribunal	Remarks
1	2	3	4	5	6	7	8	9	10

FORM B

FORM B

FORM 'B'

(See Rule 7)

Tribunal for the Local Self Government Institutions

Dairy Register

- (1)Petition Number
- (2)Name and address of the petitioner
- (3)Name and address of the counter petitioner
- (4)Nature of petition (Appeal or revision]
- (5)Date of registration of petition
- (6)Date of issuing notice
- (7)Date of submission of statement by the counter petitioner
- (8)Adjourned date of the case and the reason for the adjournment
- (9)Interim order in short and the date thereof
- (10)Final order in short and the date thereof
- (11)Remarks

ANNEXURE SCHEDULE (See Rule 8)

Matters that constitute cause for filing appeal or revision before the Tribunal for Local Self Government Institutions

- 1.Assessment, demand and collection of tax, fee or cess.
- 2.Issue of permit and licence for trade, factories, industries, markets and other institutions.
- 3.Registration of private hospitals, paramedical institutions and tutorial institutions.
- 4.Water supply in Local Self Government areas.
- 5.Providing lamps in the public streets of the Local Self Government areas.
- 6.Construction and maintenance of sewerage in the Local Self Government areas.
- 7.Action against private latrines which make nuisance to the management of public comfort stations in the Local Self Government areas.
- 8.Removal and processing of rubbish, solid waste and filth in the Local Self Government areas.
- 9.Regulation of fairs and festivals; levying of contribution for doing sanitation works from those who conduct the fairs.
- 10.Maintenance of public streets and prevention of encroachment thereon.
- 11, Protection of public places.
- 12, Regulation of building construction-
- 13.Protection of puramboke land-
- 34.Action against projections, trees and places which are dangerous or which cause nuisance; action against dangerous ponds., wells and ditches; action against dangerous quarrying.
15. Action against pond, ditch, well, tank, water course, marshy land, sewerage, cess pool etc. which are the sources of nuisance.
- 16.Controlling the Agriculture and the use of pesticides that are injurious to public health*
- 17.Protection of public water reservoirs.
- 18..Prohibition of animal rearing that cause nuisance to others.
- 19.Control over slaughter houses, action against unauthorised slaughtering.
- 20.Management of markets, collection of fees and prohibition of sale of goods in public streets.
- 21.Licences for vehicle parkings and for unloading places etc.
- 22.Licence for hotels, prohibiting the sale of food materials dangerous to health and destroying the same.
- 23.Licence for burial grounds.
- 24.Taking steps against the spread of dangerous diseases.

FORM C

FORM C

FORM C
(See c Rule 8)
Before the Tribunal for Local Self Government Institutions-----
1.Name and address of the petitioner
2.Names and addresses of the Counter-
petitioners :
(1)

(2)
(3)
(4)
3. Whether the petition is revision or appeal :
4. Name of the authority that issued: notice/order or that took action which has been the cause of the petition and the number and date of such notice/order
5. The date of receipt of the notice/order : which has been the cause of the petition/ the date on which the action has come to notice
6. Reason for challenging the notice/order :
7. . Whether to stay the notice/order/action ; which has been the cause of the petition; if so what are the reasons thereof
8. Number and date of tax receipt produced, : if any
9. Amount involved in the petition if it is in : respect of claim for money
10. The remedy sought for
11. The details of records submitted to ; substantiate the petition
(1)
(2)
(3)
12. Particulars of the petition fee
I the aforesaid petitioner, hereby declare that the facts mentioned above are true and correct to the best of my knowledge and belief.
Place:
Date:
(Signature) Petitioner

FORM D

FORM D

FORM D
(See Rule 14)
Tribunal for Local Self Government Institutions...
Your petition dated has been received on ____ The same has been registered in this Tribunal as petition number of.

Tribunal for Local Self Government Institutions
Place: Date :
Signature
(Office Seal)
To
The petitioner (Name and address of the petitioner)

FORM E

FORM E

FORM E
(See Rule 16)
NOTICE
Petition numberof before the Tribunal for Local Self Government Institutions.
Petitioner/Petitioners
Counter petitioner/ Counter petitioners.