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## **The Kerala Panchayat Raj Act, 1994**

(Excerpts - water supply and sanitation provisions)

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# **KERALA PANCHAYAT RAJ ACT, 1994**

## **CHAPTER II - GRAMA SABHA**

### **3. Grama Sabha**

(1) For the purpose of this chapter, each constituency of village panchayat may be specified as a village under clause (g) of article 243.

#### **3-A Powers, Function and Rights of the Grama Sabha**

(1) Grama Sabha shall, in such manner and subject to such procedure, as may be prescribed, perform the following powers and functions, namely:

- (f) suggesting the location of street lights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public utility schemes;
- (o) to co-operate with the employees of the village panchayats in the sanitation processes and rendering voluntary service for the removal of garbage;
- (p) to find out the deficiencies in the arrangements for water supply, street lighting etc. within the area of the Grama Sabha and to suggest remedial measures.

## **CHAPTER III - CONSTITUTION OF PANCHAYATS AT DIFFERENT LEVELS**

### **4. Power of the Government in Constitute and Specify the Name and Headquarter of Panchayat**

(1) The Government shall, by notification in the Gazette, constitute with effect from such date as may be specified in the notification:

- (a) a village panchayat for each village or for group of villages.
- (b) a block panchayat at intermediate level; and
- (c) a district panchayat for each district panchayat area and specify the names and headquarters of such panchayats.

## **CHAPTER XV - MEETINGS, POWERS, FUNCTIONS, DUTIES AND PROPERTY OF PANCHAYATS**

### **162. Standing Committees**

(1) In every Panchayats standing committees as stated below shall be constituted namely:

- (a) In a Village Panchayat
  - (1) Standing committee for Finance
  - (2) Standing Committee for Development
  - (3) Standing Committee for Welfare.
- (b) In a block Panchayat

- (1) Standing Committee for Finance
- (2) Standing Committee for Development
- (3) Standing Committee for Welfare
- (c) In a District Panchayat
  - (1) Standing Committee for Finance
  - (2) Standing Committee for Development
  - (3) Standing Committee for public works.
- (4) Standing Committee for Health and Education
- (5) Standing Committee for Welfare

**162A. Subjects to be Dealt with by the Standing Committees**

- (1) The following subjects shall be dealt with by the standing committees of the panchayat, namely:
  - (a) in a village panchayat:
    - (iii) The standing committee for welfare shall deal with the subjects of development of scheduled caste-scheduled tribe, development of women and children, social welfare, social security, slum improvements, poverty alleviation, public distribution system, Public Health, Sanitation, Education, Art and Culture and entertainment, water supply, sewerage and environment.
  - (b) In the Block Panchayat:
    - (ii) Standing Committee for development shall deal with the subjects like development planning, socio and economic planning, agriculture, animal husbandry, minor irrigation, fisheries, small-scale industry, public works, housing, electricity and maintenance of watershed;
  - (c) In the District Panchayat:
    - (ii) The standing committee for development shall deal with the subjects like development planning, socio-economic planning, agriculture, soil conservation, animal husbandry, minor irrigation, fisheries and small scale industry, etc.

**166. Powers, Duties and Functions of Village Panchayat**

- (1) It shall be the duty of the village panchayat to meet the requirements of the village panchayat area in respect of the matters enumerated in the Third Schedule:
 

Provided that it shall be the duty of the village panchayat to render services to the inhabitants of the village panchayat area in respect of the matters enumerated as mandatory functions in the Third Schedule.
- (2) Subject to the other provisions of this Act and the guidelines and assistance financial, technical or otherwise, of the Government, the village panchayat shall have exclusive power to administer the matters enumerated in the Third Schedule and to prepare and implement schemes relating there to for economic development and social justice.

#### **172. Powers, Duties and Functions of Block Panchayats**

(1) It shall be the duty of the block panchayat to meet the requirements of the block panchayat area in respect of the matters enumerated in the Fourth Schedule.

(2) Subject to the other provisions of this Act and the direction of the Government the block panchayat shall have exclusive power to administer the matters enumerated in the Fourth Schedule and to prepare and implement the schemes on the subject specified therein for the economic development and Social justice.

#### **173. Power, Duties and Functions of District Panchayats**

(1) It shall be the duty of the district panchayats to meet the requirements of the district panchayat area in respect of the matters enumerated in the Fifth Schedule.

(2) Subject to the other provisions of this Act and the directions of the Government, the District Panchayat shall have exclusive power to administer the matters enumerated to the Fifth Schedule and to prepare and implement the schemes in the subjects specified therein, for economic development and social justice.

### **CHAPTER XIX - FINANCE AND TAXATION**

#### **200. Taxes Cess etc, which May be Levied by Village Panchayat**

(2) Service tax shall be levied at the rate fixed by the village panchayat, subject to the minimum rate prescribed for sanitation, water supply, scavenging, street lighting and drainage wherever such services are provided by the Village Panchayat.

### **CHAPER XX - PUBLIC SAFETY, CONVENIENCE AND HEALTH**

#### **218. Vesting of watercourse, Springs, Reservoirs, etc., in Village Panchayats**

(1) Notwithstanding anything contained in the Kerala Land Conservancy Act 1957 (8 of 1958) or in any other law for the time being in force, all public water courses (other than river passing through more areas, than the panchayat area which the Government may, by notification in the gazette, specify), the beds and Banks of river streams, irrigation and drainage channels, canals, lakes, back waters and water courses and all standing and flowing water, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works including those used by the public to such an extent as to give a prescriptive right to their use whether existing at the commencement of this Act or afterwards made, laid or erected and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land, not being private property appertaining thereto shall stand transferred to and vest absolutely in the village panchayat:

Provided that nothing contained in this sub-section shall apply to any work which is or is connected with a work or irrigation or to any adjacent land appertaining of any such work.

(2) Subject to the provisions of this Act, all rights and liabilities of the Government in relation to the water courses, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works vested in the village panchayat under subsection (1) shall from the date of such vesting be the rights and liabilities of the village panchayat.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the government may, by notifications in the Gazette, assume the administration of any

public source of water supply and public land adjacent and appertaining thereto after consulting the village panchayat and giving due regard to its objection, if any.

(4) It shall not be lawful for any person to remove or appropriate for himself any tree, earth, sand, metal, laterite, limeshell or such other articles of value as may be notified by the village panchayat from any land which is transferred to or vested in the village panchayat, under this Act whether a poramboke or not except under and in accordance with the terms and conditions of a permit issued by the village panchayat in this behalf and on payment of such fees and compensation at the rate determined by the village panchayat.

#### **219 F. Provision for the Final Disposal of Solid Waste**

(1) Every village panchayat shall identify and notify suitable places within or outside the village panchayat area for the purpose of final disposal of waste.

#### **219 K. Prohibition against Allowing Outflow of Filth**

No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises so as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of drain forming a portion of a street.

#### **219 R. Power to Inspect Premises for Sanitary Purposes**

The secretary or any officer authorised by him may at any time inspect any premises for the purpose of ascertaining the compliance of the provisions of this Act.

#### **222. Licensing of Private Markets**

(1) No person shall open a new private market or continue to keep open a private market unless he has obtained a licence from the Village Panchayat to do so. Such, licence shall be got renewed by the licensee every year.

(2) The village panchayat may:

(a) grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

#### **234A. Vesting of the Existing Water Supply and Sewerage Services under the Water Authority with the Panchayat**

(1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law from such date, on the Government may by notification in the gazette appoint, in respect of the Water Authority before such date and intended for the benefit of the panchayat at any level and situated within its area:

(a) all plants, machinery, water works, pumping station and all buildings and land thereto and all works, implements, stores, goods, implementation of works, management of water supply, distribution, levy and collection of water charge in connection therewith and is situated upon any public street, or through it or over or under it, as the case may be, within the area of the panchayat at any level

including all assets and other facilities shall vest in the panchayat specified in the notification and shall stand transferred to that panchayat ; and

(b) the collection of arrears of sewage charge, water charge and meter charge and arrears of any expense or fees in connection with water supply and sewerage, and all rights, liabilities and obligations of the water authority even if arisen from any contract or otherwise related to the said authority shall be the rights, liabilities and obligations, as the case may be, of the panchayat specified in the notification.

(2) The assets, rights liabilities and obligations in sub-section (1) shall be valued in the manner specified by the Government and shall be furnished to the Water Authority by the panchayat concerned.

(3) If any doubt or dispute arises as to the vesting of any property or asset in the panchayat or any right, liability or obligation, has become that of the panchayat such doubt or dispute shall be referred to the Government and the decision of the Government thereon shall be final and the water authority and the panchayat concerned shall be bound to implement the decision.

(4) In order to continue to get the services in connection with the properties, assets, water supply and sewerage to a panchayat to which such services have been transferred under sub-section (1) sufficient number of Employees of the Water authority as may be decided by the Government shall be deployed to the concerned panchayat.

(5) If a notification is issued by the Government under sub-section (1), all powers and rights of the Water Authority under the Kerala Water supply and Sewerage Act, 1986 (14 of 1986) within the area of the said panchayat shall cease to exist from the date specified in the notification and all such powers and rights shall vest in the concerned panchayat.

**234B. Administrative Powers of the Panchayat in Respect of the Existing Water Supply and Sewerage Schemes**

(1) Notwithstanding anything contained in the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) or in any other law, the maintenance and administration of the water supply and sewerage schemes which cannot be vested in and transferred to the panchayat under section 234A and is beneficial to the residents within the area of more than one Local Self Government Institutions shall vest in the committee to be constituted by the Government for the purpose.

(2) In the committee referred to in subsection (1):

(a) Chairpersons of the respective municipalities;

(b) Presidents of the respective panchayats;

(c) The Senior Engineer of the water authority of the related project who shall be its Secretary and Convenor; shall be its members and chairperson or President of that Local Self Government Institution to which the related scheme is more beneficial shall be the chairman of the committee.

(3) The water authority shall provide the fund and services of the employees necessary for the exercise of powers and functions of the committee.

**234 C. The Power of the Panchayat in the Preparation and Execution of Schemes  
Related to Water Supply and Sewerage Works**

(1) Notwithstanding anything contained in the Kerala Water supply and Sewerage Act, 1986 (Act 14 of 1986), the respective panchayat shall have the right and power to prepare and implement water supply or sewerage scheme within the area of a panchayat.

(2) When the Water supply schemes and sewerage schemes are prepared in accordance with sub-section (1) and if it is beneficial to the residents of more than one village panchayat area, it shall be prepared and implemented by the concerned Block Panchayat and if it is beneficial to the residents of more than one block panchayats such schemes shall be prepared and implemented by the district panchayat concerned;

Provided that the provisions of this section shall not affect the preparation and implementation of such schemes by more than one panchayat among themselves.

(3) The panchayats preparing and implementing the water supply and sewerage schemes in accordance with sub-section (1) may collect water charges and sewerage service charges from the beneficiaries in the manner prescribed.

**CHAPTER XXI A - GENERAL AND MISCELLANEOUS**

**238. Precautions in Case of Dangerous Trees and Pruning of Hedges and Trees**

(1) (c) If any tree or the branch thereof in the opinion of the village panchayat, causes pollution to the drinking water of a well or tank, the village panchayat may, by notice, require the owner of such tree to cut down and remove such tree or branch thereof.

**239. Power of Panchayat for Carrying out their Functions**

(1) A Panchayat shall exercise all the powers conferred on, and perform all the functions entrusted to that Panchayat by or under this Act or any other law and shall also exercise such other powers and perform such other functions as may be conferred on or entrusted to it by the Government for carrying out the provisions of this Act.

(2) A Panchayat shall have power to do all acts necessary for and incidental to, carrying out the functions entrusted or delegated to it.

(3) Without prejudice to the generality of the foregoing power, a village panchayat shall have power:

(a) to require by notice, the owner or occupier of any land or building which is a nuisance to the neighbourhood on account of:

(i) its insanitary conditions; or

(ii) the collection of any drainage, filth or stagnant water thereon; or

(iii) the existence of will or noxious vegetation thereon; or

(iv) the presence of poisonous reptiles or other harmful animals or insect.

(b) to take such action as it deems necessary to abate the nuisance within a reasonable period to be specified in such notice;

(c) to prohibit the use of the water of any stream, well, pond or any other excavation believed to be dangerous to public health; and

(d) to regulate or prohibit the watering of cattle or bathing or washing in any stream, well, pond or other excavation reserved for drinking water.

## **CHAPTER XXII - RULES, BYE LAWS AND PENALTIES FOR THEIR BREACH**

### **254. Powers of Government to Make Rules**

(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively to carry out all or any purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules:

(iii) prohibiting or regulating the use for any specified purpose of any public spring, tank, well or water course or of any private spring, tank, well or water course with the consent of its owner and without such consent.

## **CHAPTER XXVI - SUPPLEMENTAL PROVISIONS**

### **272. Public Roads, Markets, Wells, Tanks, etc. to be Open to All**

All roads, markets, wells, tanks, reservoirs and waterways, vested in or maintained by a Panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed or any other considerations.

## **THIRD SCHEDULE - Functions of Village Panchayats (See Sub-section (1) of section 166)**

### **A. Mandatory Functions.**

3. Maintenance of traditional drinking water sources.
4. Preservation of ponds and other water tanks
5. Maintenance of waterways and canals under the control of Village Panchayats.
6. Collection and disposal of solid waste and regulation of liquid waste disposal.
7. Storm water drainage.
8. Maintenance of environmental hygiene.
22. Provision for ferries.
26. Regulate the conduct of fairs and festivals.

### **C. Sector-wise Functions.**

#### **III. Minor Irrigation**

1. Maintenance and implementation of all minor irrigation projects within the area of a village panchayat.
2. Implementation and maintenance of all micro irrigation projects.
3. Put into practice water conservation.

#### **IV. Fishing**

1. Development of fisheries in ponds, pisci-culture in fresh water and brackish water and mariculture.



2. Improvement of fish seed production and distribution of offsprings.
3. Distribution of fishing implements.
4. Provide assistance for fish marketing.
5. Provide minimum basic facilities for fishermen families.
6. Implementation of fishermen Welfare Schemes.

#### **VIII. Water Supply**

1. Management of water supply schemes within a village panchayat.
2. Setting up of water supply schemes within a village panchayat.

#### **XII. Public Health and Sanitation**

1. Running of dispensaries, Primary Health Centres and Sub-centres (with all systems of medicines.)
2. Management of maternity and Child Welfare Centres.
3. Carry out immunisation and other preventive measures.
4. Implementation of family welfare programme.
5. Implementation of sanitation programmes.

### **FOURTH SCHEDULE – Functions of Block Panchayats (See sub-section (1) of section 172)**

#### **(B) Sector wise Functions**

#### **III. Minor Irrigation**

Implementation and maintenance of all Lift Irrigation Schemes and Minor Irrigation Schemes covering more than one village panchayats.

#### **IV. Fisheries**

Development of traditional landing centres.

#### **X Public Health and Sanitation**

Running of community health centres and Taluk Hospitals with all systems of medicine within the Block Panchayat.

### **FIFTH SCHEDULE - Functions of District Panchayats (See Sub section (1) of Section 175)**

#### **(B) Sector wise Functions**

#### **III. Minor Irrigation**

1. Development of ground water resources.
2. Construction and maintenance of minor irrigation schemes covering more than one block panchayat.
3. Command area development.

#### **IV. Fisheries**

1. Arrangements for fish marketing
2. Management of fish farm development agency.

3. Management of district level pisci-culture centres net making units, fish markets, feed mills, ice plants and cold storages.
4. Management of fisheries schools.
5. Introduction of new technologies.
6. Provide implements required for fishermen.
7. Promotion of fishermen's co-operative societies

**VII. Water Supply**

1. Implementation of water supply schemes covering more than one village panchayat.
2. Taking over of water supply schemes covering more than one village panchayat.

**XI. Public Health & Sanitations**

1. Management of district hospitals with all systems of medicines.
2. Setting up of centres for the care of special categories of handicapped and mentally disabled people.
3. Co-ordination of centrally and state sponsored programmes at district level.