

***THE DELIMITATION COMMISSION FOR THE KERALA LOCAL SELF GOVERNMENT INSTITUTIONS RULES, 2005**

[Translation in English of the Delimitation Commission for the Kerala Local Self Government Institutions Rules, 2005, published under the authority of the Governor.]

S.R.O. No. 337/2005.— In exercise of the powers conferred by sub-section (1) (a) of section 10 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), the Government of Kerala hereby make the following rules, namely:—

RULES

1. Short title and commencement.— (1) These rules may be called the Delimitation Commission for the Kerala Local Self Government Institutions Rules, 2005.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,-

(a) “Local Self Government Institutions” means a Panchayat constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under the Kerala Municipality Act, 1994 (20 of 1994);

(b) “Section” means a section of the Panchayat Raj Act or of the Municipality Act;

(c) “Commission” means the “Delimitation Commission” constituted under sub-section (1) of section 10 of the Kerala Panchayat Raj Act;

(d) “Member” means, the members including the Chairman of the Delimitation Commission;

(e) “Government” means the Government of Kerala State;

(f) “Secretary” means the Secretary to the Commission;

(g) Words and expressions used but not defined in these rules, but defined in the Kerala Panchayat Raj Act, 1994 or in the Kerala Municipality Act, 1994 shall have the meanings respectively assigned to them in the above said Acts.

3. Functions of the Commission.—The boundaries of the Local Self Government Institutions shall be fixed as per the Kerala Panchayat Raj Act, 1994, the Kerala Municipality Act, 1994 and these Rules.

4. Powers of the Delimitation Commission.— (1) The Commission shall have the powers vested with a civil court while holding charge as per rule 5, while trying a case under the Civil Procedure Code, 1908 (Central Act of 1908) in respect of the following matters namely:-

(a) To summon any witness and to enforce his attendance and to examine;

(b) To require the discovery and production of any document;

(c) To take evidence on affidavit;

(d) To require a public record or its copy from any court or office.

(2) When cases relating to election originates, in such occasions, the Secretary to the Delimitation Commission will have the power to file affidavit before the court.

5. Utilising the service of officers and employees.— For the functioning of the Commission, in accordance with the written direction of the Chairman of the Delimitation Commission, the officers and employees of the Commission can utilise the service of the officers and employees of the State Election commission:

Provided that in cases where it deems necessary, the Government can appoint in consultation with the Commission; other officers and employees deem fit from various departments of the Government on deputation.

6. Headquarters of the Commission.— The Headquarters of the Delimitation Commission will be at Thiruvananthapuram. Besides, Commission may conduct sitting at the place decided by the Commission.

7. Quorum of the Commission Meeting.— (1) For the meeting of the Commission, there shall be a quorum of minimum three members including the Chairman.

(2) Decisions of the Commission shall, as far as possible, be unanimous. But if in any case there is difference of opinion, decision shall be taken in accordance with the opinion of the majority.

8. Secretary to the Commission.— Secretary to the Delimitation Commission shall be an officer not below the rank of a Joint Director of the Panchayat/Municipality.

9. Meeting of the Commission.— Secretary shall give notice of meeting of the Commission to the members at least three days in advance:

Provided that in emergency situations either by giving written notice or otherwise to the members, urgent meeting may be convened as per the direction of the Chairman. The Commission, if it deems fit, can convene the meeting of the Commission at District Headquarters.

10. Guide lines regarding fixing of boundaries.— The Commission can issued other guide lines regarding fixing of boundary of Local Self Government Institutions.

11. Issuance of draft notification.— District Election Authority shall collect information from the concerned Local Self Government Institutions, prepare the instructions and send to the Delimitation Commission and the Commission, after verifying the same, shall issue the draft notification fixing the boundaries. The said notification shall be published inviting objections and suggestions as instructed under section 10 of the Kerala Panchayat Raj Act, 1994 and section 69 of the Municipality Act, 1994.

12. Manner of giving objection.— Objection/suggestion submitting before the Kerala Commission shall be given before the secretary to the commission either directly or by registered post. If any document is intended to be produced along with the above, self attested copies of such documents shall also be given. Documents shall not be returned.

13. Summoning for the collection of informations.— If the Commission convince that for the disposal of an objection/suggestion received by the Commission, the service of officers of other departments or experts are necessary, in any case, it shall have the power to summon officers of any department under the State Government for collecting informations. The officers concerned are bound to obey the intimations received from the Commission.

14. Examination of witnesses and production of documents.— Commission, can summon any person as witness relating to any appeal based on the subject to which an objection/ suggestion has been received and request any person including the person who has given the objection or the opposite party to produce before the Commission the connected documents or records.

15. Disposal of objections.— Upon the objections and suggestions received by the Commission regarding the fixing of boundary of constituencies, after collecting the informations from the concerned Local Self Government Institutions, the Commission can take decision on verification of the objections and suggestions by hearing in person, the person who has given the objection or suggestion, if it deems fit.

16. Protection of action taken in good faith.— No case prosecution or other proceedings shall lie against the Commission or the person acting under the directions of the Commission for the act done or intended to be done in good faith in connection with the implementation of the provisions of the above said rules or regarding any order made thereunder or regarding any opinion given by the Delimitation commission to the Government, or regarding the publication of any such opinion, documentor proceedings by the Commission or under the authority of the Commission.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.) The Kerala Panchayat Raj Act, 1994 and the Kerala Municipality Act, 1994 were amended by the Kerala Panchayat Raj (Amendment) Act, 2005, (Act 3 of 2005), and the Kerala Municipality (Amendment) Act, 2005 (Act 4 of 2005), respectively entrusting the Delimitation Commission, consisting of the State Election Commission as Chairman and four officers not below the rank of the Secretary to Government as members, the power vested in the State Election Commission to determine the Constituencies of Panchayats and wards of Municipalities and to re-delimit their boundaries. Government have decided to make rules to give more clarity to the functions, powers and procedures etc. of the Delimitation Commission. This Notification is intended to achieve the said object.