



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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12th February 2021

1196 മകരം 30
30th Makaram 1196

1942 മാഘം 23
23rd Magha 1942

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No.

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കേരള സർക്കാർ

നിയമ (നിയമനിർമ്മാണ-സി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 3118/ലെറ്.സി3/2021/നിയമം.

തിരുവനന്തപുരം, 2021 ഫെബ്രുവരി 12

1196 മകരം 30

1942 മാഘം 23.

2021 ഫെബ്രുവരി 12-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെപ്പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,

അരവിന്ദ ബാബു പി. കെ.,
നിയമ സെക്രട്ടറി.



GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 3118/Leg. C3/2021/Law.

Dated, Thiruvananthapuram, 12th February, 2021
30th Makaram, 1196
23rd Magha, 1942.

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Panchayat Raj (Second Amendment) Ordinance, 2021 (33 of 2021).

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



[Translation in English of “2021-ലെ കേരള പഞ്ചായത്ത് രാജ് (രണ്ടാം ഭേദഗതി) ഓർഡിനൻസ്” published under the authority of the Governor.]

ORDINANCE No. 33 OF 2021

THE KERALA PANCHAYAT RAJ (SECOND AMENDMENT) ORDINANCE, 2021

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Panchayat Raj Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Panchayat Raj Act, 1994 (13 of 1994) for the purposes hereinafter appearing;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Panchayat Raj (Second Amendment) Ordinance, 2021.

(2) It shall come into force at once.

2. *Act 13 of 1994 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 9.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) after clause (xvi), the following clause shall be inserted, namely:—



“(xviiia) “empanelled Licensee” means any institution, architect, engineer, building designer, supervisor or town planner, as the case may be, registered under the Regional Joint Director of Urban Affairs or deemed to be registered under the Kerala Panchayat Building Rules, 2019 and empanelled in such manner, as may be prescribed by the Local Self Government Department for the purpose of issuing self-certification.”.

(ii) after clause (xxii), the following clause shall be inserted namely:—

“(xxiia) “low risk buildings” include residential buildings under Group A1 occupancy, with built up area of less than three hundred square meters and height less than seven meters and limited to two storeys, hostel, orphanage, dormetry, old age home, seminary under Group A2 occupancy having built up area less than two hundred square meters, educational buildings under Group B occupancy having built up area less than two hundred square meters, Group D occupancy buildings where persons congregate for religious and patriotic purposes having built up area less than two hundred square meters, Group F occupancy buildings having built up area less than one hundred square meters, Group G1 occupancy buildings without any nuisance and not dangerous and having built up area less than one hundred square meters.”.

(iii) after clause (xxvi), the following clause shall be inserted, namely:—

“(xxviiia) “Self-certification” means self certification issued jointly by the owner of the building and the empanelled licensee to the effect that, the building plan and site plan for the construction or reconstruction of the low risk buildings, are in accordance with the provisions of the Act and rules, for the time being in force, and any lawful direction issued, any stipulation as to the standard of specifications, laws, rules and directions.”.

4. *Amendment of section 235 F.*—In section 235 F of the principal Act,—

(i) in sub-section (1), after the word “hut”, the words “or low risk buildings” shall be inserted;

(ii) in clause (a) for the words “an application in writing”, the words “an application in writing or through online” shall be substituted;

(iii) in clause (b), for the words “an application in writing”, the words “an application in writing or through online” shall be substituted;



5. *Amendment of section 235 H.*—In section 235 H of the principal Act, after the words “re-construction of a building” the words “including low risk buildings” shall be inserted.

6. *Amendment of section 235 I.*—In section 235I of the principal Act, for the words “within thirty days” the words “within fifteen days” shall be substituted;

7. *Amendment of section 235 J.*—In section 235 J of the principal Act,—

(i) for the words “thirty days”, the words “fifteen days” shall be substituted;

(ii) in the proviso for the words “thirty days”, the words “fifteen days” shall be substituted;

8. *Insertion of new section 235 K.*—After section 235K of the principal Act, the following section shall be inserted, namely:—

“235KA. *Application for the construction of low risk buildings.*—(1) Any person who intends to construct or reconstruct a low risk building, shall file an application to the Secretary, for approval of the building site and for permission to execute the work of such building along with a Self Certification, in such form and along with such documents, as may be prescribed.

(2) On receipt of an application under sub-section (1), complete in all respect, the Secretary shall, within five working days, issue an Acknowledgement Certificate, in such form, as may be prescribed.

(3) On receipt of an Acknowledgement Certificate under sub-section (2) such Acknowledgement Certificate shall be deemed to be approval of the building site and permission to execute the work of such building.”.

9. *Amendment of section 235 Z.*—After sub-section (2) of section 235Z of the principal Act, the following sub-sections shall be inserted, namely:—

“(3) In the case of issue of self-certification by the empanelled licensee for the construction or reconstruction of low risk buildings, if the Registering Authority finds that the empanelled licensee issued the self certification to such building in violation of the provisions of this Act or the rules made thereunder or any lawful directions issued, or any Act or rule, for the time being in force, or concealing any fact, such registering authority may debar the empanelled licensee from practising in the State for a period of not less than five years, and



after issuing a show cause notice to such licensee a fine as provided in sub-section (4) may be realised from such licensee.

(4) Where a building is constructed or reconstructed in violation of the provisions specified in the self-certification, an amount of rupees two lakh each for building with built up area upto one hundred square meters, four lakh rupees each for building with built-up area upto two hundred square meters, six lakhs rupees each for building with built-up area upto three hundred square meters, shall be realised as fine from such owner and empanelled licensee who have issued such self certification after giving a show cause notice and considering the reply, if any, furnished by such owner or licensee.

(5) A person who is aggrieved by the actions taken or the orders issued by the Registering Authority, may file an appeal before the Government against such order or action within thirty days from the date of receipt of the order under sub-section (3).”.

ARIF MOHAMMED KHAN,
GOVERNOR.

