

THE KERALA STATE RURAL DEVELOPMENT BOARD ACT, 1971

(Act 15 of 1971)

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ACT 15 OF 1971**THE KERALA STATE RURAL DEVELOPMENT BOARD ACT, 1971***¹(Repealed by Act 16 of 2000)

An Act to provide for the establishment of a Kerala State Rural Development Board for arranging water supply and other development schemes in rural areas in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide for the establishment of a State Rural Development Board in the State of Kerala;

BE it enacted in the Twenty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*- (1) This Act may be called the Kerala State Rural Development Board Act, 1971.

(2) It extends to all the Panchayat areas in the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,-

(a) 'Board' means the Kerala State Rural Development Board constituted under section 4,

(b) 'Chairman' means the Chairman of the Board;

(c) 'Member' means a member of the Board;

(d) 'Panchayat' means a Panchayat as defined in clause (20) of section 2 of the Kerala Panchayats Act, 1960 (32 of 1960);

(e) 'Panchayat area' means the Panchayat area as defined in clause (21) of section 2 of the Kerala Panchayats Act, 1960 (32 of 1960).

3. *Creation and incorporation of the Board.*— The duty of carrying out of the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called "the Kerala State Rural Development Board" and such Board shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

4. *Constitution of the Board.*—(1) The Board shall consist of a Chairman and such number of members not exceeding ten as may be fixed by the Government from time to time.

* Received the assent of the Governor on the 25th day of May, 1971 and published in the Kerala Gazette Extraordinary No. 256 on 27th May, 1971.

1 Repealed by the Kerala Decentralisation of Powers Act, 2000 (16 of 2000).

(2) The members of the Board shall be nominated by the Government:

Provided that a majority of the total number of members of the Board shall be non-officials who are members of the Panchayats in the State.

(3) The Chairman and members of the Board shall hold office during the pleasure of the Government.

5. *Regulations for proceedings of the Board.*— The Board may, by notification in the Gazette, make regulations not in consistent with this Act and the rules made thereunder prescribing the procedure for holding its meetings, for transaction of business thereat and such other matters necessary for the purpose of giving effect to the provisions of this Act.

6. *Officers and servants of the Board.*—(1) The Board may, with the prior approval of the Government, appoint such staff for the due performance of the functions vested in it under this Act:

Provided that the Board may, with the prior approval of the Government, appoint officers in the service of the Government to attend to the functions of the Board in addition, to their duties under the Government.

(2) The staff of the Board appointed under sub-section (1) shall be paid from the fund of the Board such remuneration as the Board may, with the prior approval of the Government, fix from time to time and they shall be under the administrative control of the Chairman. The Chairman shall be the authority competent to grant leave and to impose penalties on the members of the staff of the Board.

7. *Functions and duties of the Board.*—(1) It shall be lawful for the Board to arrange ²[for the execution of, or to advance loans for the execution of] any of the following types of schemes in a Panchayat area, namely:-

(a) water supply schemes,

(b) sewerage schemes,

³[(c) any other development or improvement schemes]:

Provided that before arranging for the execution of any scheme within a Panchayat area, the Board shall consult the Panchayat concerned and obtain its concurrence to the scheme.

⁴[(2) Any panchayat may request the Board to arrange for the execution of, or to advance loans for the execution of, any of the schemes referred to in sub-section (1) within its area and the Board may, subject to the availability of funds, make reasonable provision to arrange for the execution of the scheme or to advance loans therefor, as the case may be].

² Substituted by Act 18 of 1989 (w.e.f. 26th May, 1989).

³ Substituted by Act 18 of 1989 (w.e.f. 26th May, 1989).

⁴ Substituted by Act 18 of 1989 (w.e.f. 26th May, 1989).

8. *Execution of the schemes to be entrusted to the Government Engineering Departments.*— The execution of the schemes shall be arranged by the Board through the Engineering Departments of the Government.

Explanation.— For the purpose of this section, the Public Health Engineering Department shall be the Engineering Department of the Government in respect of water supply and sewerage schemes and the Buildings and Roads Wing of the Public Works Department shall be the Engineering Department of the Government in respect of the schemes referred to in clause (c) of sub-section (1) of section 7.

9. *Fund of the Board.*—(1) The Board shall have its own fund.

(2) The Board may accept grants, subventions, donations and gifts from the Central or State Government or a Panchayat or any individual or body, whether incorporate or not, for all or any of the purposes of the Act.

(3) All moneys received by or on behalf of the Board by virtue of this Act shall constitute the fund of the Board and shall be deposited into the public accounts of the Government under such detailed head of accounts as may be directed by the Government or in any nationalised bank. The said account shall be operated upon by the Chairman or such official members of the Board as may be authorised by the Government.

10. *Board's power to raise loans.*— Subject to such conditions and limitations as may be laid down by the Government and with their prior approval, the Board may, for the promotion and execution of any scheme under this Act, raise loans or borrow money from any bank or other financial institutions ⁵[or agencies] approved by the Government or from the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956).

11. *Guarantee of loans by the Government.*— The Government may guarantee in such manner as they think fit, the re-payment of the principal and payment of interest of any loan proposed to be raised by the Board.

12. *Board to be a local authority under the Kerala Local Authorities Loans Act.*— The Board shall be deemed to be a local authority for the purpose of the Kerala Local Authorities Loans Act, 1963 (30 of 1963).

13. *Board's power to recover the cost of the scheme from the beneficiary Panchayats.*— ⁶[(1) It shall be lawful for the Board to recover from a Panchayat in such annual instalments as may be decided upon in consultation with the Panchayat concerned, the whole or any portion of the expenditure incurred or the loans advanced by the Board for the execution of any of the schemes under this Act together with interest, if any payable there on.]

(2) If any panchayat fails to pay the amount as decided upon, under sub-section (1) to the Board, it shall be re-coverable from the Panchayat in the manner laid down in the Kerala Local Authorities Loans Act, 1963 (30 of 1963).

⁵ Inserted by Act 18 of 1989 (w.e.f. 26th May, 1989).

⁶ Substituted by Act 18 of 1989 (w.e.f. 26th May, 1989).

14. *Adjudication of disputes.*— If any dispute arises between the Board and any of the Panchayats in respect of the matters provided for in this Act, such dispute shall be referred to the Government whose decision thereon shall be final.

15. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under sub-section (1) shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be issued, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

16. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order, do anything not inconsistent with the provisions of this Act which appears to them necessary or proper for the purpose of removing the difficulty.
