The Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999

(G.O. (Ms) No.213, Rural Development (C4), dated 5th October, 1999)

In exercise of the powers conferred by Section 116 and clause (*xxxi*) of sub-section (2) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to provision of burial and burning grounds, etc., the Governor of Tamil Nadu hereby makes the following Rules :-

RULES

1. Short title.- These Rules may be called the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999.

2. Definition.- In these Rules, unless the context otherwise requires " Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

3. Provision and collection of rent and fees for burial and burning grounds.- A Village Panchayat shall, if no sufficient provision exists, provide at its cost, places to be used as burial or burning grounds and may charge rents and fees for the use thereof.

4. Registration of burial and burning grounds.- (1) Every owner or other person having the control over any place used as a place for burying or burning of the dead shall, if such place is not already registered under the Act or any other Act, apply to the Village Panchayat to have such place registered.

(2) If it appears to the Village Panchayat that there is no owner or person having the control of such place, the Village Panchayat shall assume such control and register such place or may, with the sanction of the Assistant Director (Panchayats) close it.

5. Conditions for opening of burial and burning ground.- (1) No new place for burying or burning the dead, whether private or public, shall be opened, formed, constructed or used, unless a licence has been obtained from the Village Panchayat on application.

(2) Such application for a licence shall be accompanied by the plan of the place for which licence is required showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Village Panchayat may require.

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(3) The Village Panchayat to which an application is made may-

(*a*) grant or, if there is valid reason to be recorded in writing, refuse to grant a licence, or

(*b*) postpone the grant of a licence until the objection, if any to the site has been cleared or any particulars called for by it have been furnished.

(4) The Assistant Director (Panchayats) may cancel or modify any order passed by a Panchayat under sub-rule (3) :

Provided that no order either on application or *suo motu* prejudicial to the appellant shall be passed without giving reasonable opportunity of being heard to the appellant under this sub-rule or sub-rule (3).

6. Registers to be maintained.- (1) A Register shall be maintained at the office of every Village Panchayat showing places provided, registered or licenced under Rules 3 to 5 and all such places provided, registered or licenced before the commencement of the Act which are used as burial or burning grounds.

(2) A notice in Tamil and in English that such place has been provided, registered or licenced as aforesaid shall be displayed on some conspicuous place at or near the entrance to the burial or burning ground.

7. Place for burial and burning grounds.- (1) No person shall bury or burn or cause to be buried or burnt any corpse in any place within ninety metres of a dwelling place or source of drinking water-supply other than a place licenced as a burial and burning ground.

(2) The person having control of a place for burying or burning the dead shall give information of every burial or burning of a corpse at such a place to any officer appointed by the Village Panchayat for this purpose.

(3) If a Village Panchayat is satisfied-

(*a*) that any registered or licenced place burying or burning of the dead is in such a state or situation as to be or likely to become dangerous to the health of persons living in the neighbourhood thereof ; or

(*b*) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground, another convenient place duly authorised for burying or burning of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may with the previous sanction of the Assistant Director (Panchayats) give notice that it shall be not lawful after the expiry of a period of not less than two months to be specified such notice to bury or burn any corpse at such place.

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(4) Every notice given under sub-rule (3) shall be published by affixture to the notice board of the Village Panchayat and by beat of drum in the village.

(5) No person shall in contravention of any notice under sub-rule (3) and after expiration of the period specified in such notice bury or burn or cause or permit to be buried or burnt any corpse at such place.

(6) The Inspector may cancel or modify any notice issued by a Village Panchayat under sub-rule (3).

(7) Whoever contravenes any of the provisions of these Rules shall be punishable with fine which may extend to one hundred rupees or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction of the first breach :

Provided that no prosecution shall be instituted for contravening the provisions of sub-rule (1) of Rule 7 without the written sanction of the Executive Authority of the Village Panchayat, concerned.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

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