

**L. A. Bill No. 44 of 1958**

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**THE MUNICIPAL LAWS (AMENDMENT) BILL, 1958**

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## BILL

further to amend the Trivandrum City Municipal Act, the Travancore District Municipalities Act, 1116, and the Cochin Municipal Act, XVIII of 1113.

*Preamble.*—WHEREAS it is expedient further to amend the Trivandrum City Municipal Act, the Travancore District Municipalities Act, 1116 and the Cochin Municipal Act, XVIII of 1113, for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, commencement and duration.*—(1) This Act may be called the Municipal Laws (Amendment) Act, 1958.

(2) It shall come into force at noon on the first day of January, 1959 and shall cease to be in force at noon on the first day of January 1962, except as respects things done or omitted to be done before noon on that date; and section 4 of Interpretation and General Clauses Act, 1125 (VII of 1125), shall apply upon the expiry of this Act as if it had then been repealed by an Act of the Kerala State Legislature.

2. *Extension of term of office of Mayor, Chairmen and Councillors.*—Notwithstanding anything to the contrary contained in sections 29 and 57 of the Trivandrum City Municipal Act (IV of 1116) or section 8 of the Travancore District Municipalities Act, 1116 (XXIII of 1116) or section 8 of the Cochin Municipal Act, XVIII of 1113, the term of office of the Mayor, the Chairmen of standing committees and the councillors of the Corporation of the City of Trivandrum constituted under the Trivandrum City Municipal Act and of the councillors of every municipality constituted under the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113, holding office at the commencement of this Act, shall extend up to noon on the first day of April, 1959.

3. *Section 29 of the Trivandrum City Municipal Act to have effect subject to certain modifications.*—The provisions of section 29 of the Trivandrum City Municipal Act (IV of 1116), shall, in their application to the election of the Mayor and the chairman of each standing committee in the year 1959, have effect as if for the words "first day of January", the words and figures "first day of April, 1959" were substituted and the words "in each year" in both the places where they occur, were omitted.

4. *Date of elections and term of office of councillors.*—The provisions of the Trivandrum City Municipal Act (IV of 1116),

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the Travancore District Municipalities Act, 1116, and the Cochin Municipal Act, XVIII of 1113, shall have effect, subject to the following modifications, namely:—

(a) The Government shall—

(i) cause elections to be held, and make appointments of councillors, to the Corporation of the City of Trivandrum so that the newly elected and appointed councillors may come into office, on the first day of April, 1959; and

(ii) cause elections to be held to every municipality constituted under the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113, so that the newly elected councillors may come into office on the first day of April, 1959.

(b) The term of office of the newly elected or appointed councillors shall expire at noon on the first day of January, 1962.

5. *Supersession of council on expressing opinion against extension of term.*— (1) Notwithstanding anything to the contrary contained in section 2, where the council of the Corporation of the City of Trivandrum or the council of a municipality constituted under the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113, has, before the commencement of this Act, passed a resolution with the support of the majority of the sanctioned strength of the council expressing opinion against such extension, or passes such a resolution with such support after the commencement of this Act, it shall be lawful for the Government, by notification in the Gazette, to supersede the council till the first day of April, 1959.

(2) The supersession shall take effect from such date as may be specified in the notification or, if no date is therein specified, from the noon on the date of publication of the notification and thereupon the following consequences shall ensue:—

(a) All the members of the council including the Mayor and chairmen of standing committees or the chairman or vice-chairman, as the case may be, shall forthwith be deemed to have vacated their offices.

(b) All or any of the functions of the council and of the Mayor and chairmen of standing committees or the chairman and vice-chairman, as the case may be, including where the chairman is also the executive authority, his functions as such may, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the Government may determine, by a special officer appointed by the Government in that behalf and such special officer may, if the Government so direct, receive payment for his services from the municipal fund.

(3) When a council is superseded under this section, the Government until the date of the reconstitution thereof and the

reconstituted council thereafter shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the supersession and on the date of the reconstitution respectively.

6. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act or of the Trivandrum City Municipal Act (IV of 1116) or the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113, as amended by this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

#### STATEMENT OF OBJECTS AND REASONS.

Under the provisions of the Trivandrum City Municipal Act (Act IV of 1116), the Travancore District Municipalities Act, 1116 (Act XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113, the term of the existing councils of the Corporation of the City of Trivandrum and the various Municipalities in the Travancore-Cochin area of the State will expire on the 1st day of January, 1959. The term of the Municipal Councils in the Malabar area which was due to expire on 1-11-1958 has been extended till 1-4-1959 by Ordinance No. 9 of 1958 and that Ordinance is proposed to be replaced by an Amendment Act during the present session of the Legislative Assembly. In order that the general elections to all the Municipalities in the State of Kerala may be conducted at the same time, it is proposed to extend the term of the existing Council of the Corporation of the City of Trivandrum and the various Municipal Councils in the Travancore-Cochin area also till 1-4-1959. The general elections to all the Municipal Councils in the State is proposed to be conducted during the months of February and March 1959 so that all the new Councils may begin to function from the 1st April, 1959.

The Bill is intended to achieve the above object.

T. V. THOMAS.

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**Extract from the Trivandrum City Municipal Act,  
Act IV of 1116.**

29. *Election of Mayor and Chairman.*—The Council shall at its first meeting after the first day of January in each year elect one of its number to be its Mayor and each Standing Committee shall at its first meeting after that date in each year elect one of its members (other than Mayor) to be its Chairman.

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