

L. A. Bill No. 42 of 1957.

THE KERALA RE-ENACTING BILL, 1957

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A

BILL

to re-enact certain President's Acts.

Preamble. WHEREAS it is necessary to replace by an Act of the Legislature, the Kerala Re-enacting Ordinance, 1957 (Ordinance No. 6 of 1957) re-enacting certain President's Acts:

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Re-enacting Act, 1957.

(2) It shall come into force at once.

2. *Re-enactment of Acts.*—The Acts specified in the Schedule are hereby re-enacted with the modifications specified in section 3 and in the fourth column of the Schedule.

3. *Modifications to the Acts.*—(1) The words "Enacted by the President in the Seventh Year of the Republic of India" occurring before the long title of each of the Acts specified in the Schedule shall be omitted.

(2) The words beginning with "In exercise of the powers" and ending with "the President is pleased to enact as follows:—" occurring before section 1 of each of the Acts specified in the Schedule shall be omitted.

4. *Repeal.*—The Kerala Re-enacting Ordinance, 1957 (No. 6 of 1957), is hereby repealed.

THE SCHEDULE.

(See section 2)

Year. Number. (1) (2)	Short title. (3)	Modifications. (4)
1956	I The Travancore-Cochin State Aid to Industries (Amendment) Act, 1956.	<p>Before section 1, the following shall be inserted, namely :—</p> <p>“Preamble.—Whereas it is expedient to amend the Travancore-Cochin State Aid to Industries Act, 1952, for the purposes hereinafter appearing ;</p> <p>Be it enacted as follows :—”</p>
1956	II The Travancore-Cochin Agricultural Pests and Diseases (Amendment) Act, 1956.	<p>Before section 1, the following shall be inserted, namely :—</p> <p>“Preamble.—Whereas it is expedient to amend the Travancore-Cochin Agricultural Pests and Diseases Act, 1955, for the purposes hereinafter appearing ;</p> <p>Be it enacted as follows :—”</p>

(1)	(2)	(3)	(4)
1956	III	The Travancore-Cochin Indebted Agriculturists Relief Act, 1956.	<p>Before section 1, the following shall be inserted, namely :—</p> <p>“<i>Preamble.</i>—Whereas it is expedient to give relief to indebted agriculturists in Travancore-Cochin ;</p> <p>Be it enacted as follows :—”</p>
1956	IV	The Travancore-Cochin Land Conservancy (Amendment) Act, 1956.	<p>Before section 1, the following shall be inserted, namely :—</p> <p>“<i>Preamble.</i>—Whereas it is expedient to amend the Travancore-Cochin Land Conservancy Act, 1951, for the purposes hereinafter appearing ;</p> <p>Be it enacted as follows :—”</p>
1956	V	The Travancore-Cochin Police (Amendment) Act, 1956.	<p>Before section 1, the following shall be inserted, namely :—</p> <p>“<i>Preamble.</i>—Whereas it is expedient to amend the Travancore-Cochin Police Act, 1951, for the purposes hereinafter appearing ;</p> <p>Be it enacted as follows :—”</p>

(1) (2)

(3)

(4)

1956 VII The Travancore-Cochin Irrigation Act, 1956, as amended by the Travancore-Cochin Irrigation (Amendment) Act, 1957 (Act 16 of 1957).

Before section 1, the following shall be inserted, namely :—

“*Preamble.*—Whereas it is expedient to provide for the construction, repair and maintenance of irrigation works, the conservation and distribution of water for purposes of irrigation and the levy of betterment contribution and water-cess; Be it enacted as follows :—”

2. After section 41, the following new section shall be inserted, namely :—”

“41—A. *Validation of levy of irrigation cess.*—
The validity of the levy of any irrigation cess made under this Act or under the Cochin Irrigation Act, VIII of 1111, repealed by this Act, shall not be called in question in any court of law on the ground that in constructing the irrigation works benefiting the lands on which the cess was levied, the procedure laid down therefor in the said Acts was not followed, or that the names of the irrigation works were not published, as was required under the said Cochin Irrigation Act and any such cess so levied and not recovered shall be recoverable as an arrear of land revenue under the Travancore-Cochin Revenue Recovery Act, 1951.”

(1)

(2)

(3)

Year.	Number	Short title.	Modifications.
1956	VII	Travancore-Cochin Irrigation Act 1956	<p>cation in the Gazette against any order passed by the Collector or other officer under sub-section (1) or sub-section (2), provided that such appeal is preferred within such time as may be prescribed by the Government and the Government or such other officer, as the case may be, may thereupon pass such orders as it or he thinks are just and reasonable after giving notice to the opposite party and hearing him if he appears.</p> <p>(b) It shall be lawful for the Government to revise any order of the Collector or other officer made under this section and pass such orders as are in their opinion just and reasonable.</p> <p>(4) Any sum of money ordered to be paid under the provisions of this section may also be recovered from the defaulting proprietor as arrears of land revenue and the amount so recovered paid to the party entitled to it.</p> <p><i>Illustration.</i>—The putting up of ring bunds or draining of water in <i>punja padams</i> in Kuttanad are works contemplated in this section.”</p> <p>3. The existing sections 41, 42 and 43 shall be renumbered as Sections 42, 43 and 44, respectively.</p> <p>Before Section 1, the following shall be inserted, namely:—</p> <p>“<i>Preamble.</i>—Whereas it is expedient to amend the Travancore-Cochin Interpretation and General Clauses Act, 1125, for the purposes hereinafter appearing ;</p> <p>Be it enacted as follows :—”</p> <p>Before Section 1, the following shall be inserted, namely:—</p> <p>“<i>Preamble.</i>—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 ;</p> <p>Be it enacted as follows :—”</p>
1956	VIII	The Travancore-Cochin Interpretation and General Clauses (Amendment) Act, 1956	
1956	IX	The Municipal (Amend- ment) Act, 1956	

STATEMENT OF OBJECTS AND REASONS

During the time when the administration of Travancore-Cochin had been assumed by the President, the President enacted certain laws for that State by virtue of the powers conferred on him by the Parliament by the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956. Under Article 357(2) of the Constitution, the laws thus enacted by the President will cease to have effect on the expiration of a period of one year after the end of the President's rule, unless sooner repealed or re-enacted by Acts of the appropriate legislature. Unified legislations are being sponsored in respect of most of the President's Acts and therefore their re-enactment has not become necessary. The Bill seeks to re-enact the remaining President's Acts.

V. R. KRISHNA IYER.

STATEMENT OF OBJECTS AND REASONS.

During the period when the former State of Travancore-Cochin was under President's rule, the President enacted for that State certain laws by virtue of the powers conferred on him by Parliament by the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956. Of the 11 Acts so enacted the Holdings (Stay of Execution Proceedings) Second Amendment Act, 1956, has been repealed by the Kerala Stay of Eviction Proceedings Ordinance, 1957 and the Travancore-Cochin Interpretation and General Clauses (Amendment) Act, 1956, has been superseded by the Travancore-Cochin Interpretation and General Clauses (Amendment) Act, 1957.

Under the provisions of article 357 (2) of the Constitution, the remaining 9 Acts were to expire on the 1st November, 1957, i. e. one year after the termination of the President's rule for Travancore-Cochin. To re-enact these Acts, the Governor has promulgated the Kerala Re-enacting Ordinance, 1957, which was published as Ordinance No. 6 of 1957.

The Bill is intended to replace the Ordinance by an Act of the Legislature. Opportunity has also been availed of to include a provision for the removal of doubts regarding the validity of the levy of cess already made on account of non-compliance with certain provisions of the Travancore-Cochin Irrigation Act, 1956 or the Cochin Irrigation Act, VIII of 1111.

V. R. KRISHNA IYER.