

Kerala Municipality (Amendment) Act, 2000

14 Of 2000

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 19
3. Amendment Of Section 38
4. Amendment Of Section 69
5. Insertion Of New Section After Section 69
6. Amendment Of Section 89
7. Amendment Of Section 383A
8. Amendment Of Section 407
9. Repeal And Saving

Kerala Municipality (Amendment) Act, 2000

14 Of 2000

An Act further to amend the Kerala Municipality Act, 1994. Whereas it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing; BE it enacted in the Fifty-first year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Municipality (Amendment) Act, 2000.

(2) Section 7 of the Act shall come into force at once and the remaining sections shall be deemed to have come into force on the 18th day of January, 2000.

2. Amendment Of Section 19 :-

In section 19 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the Principal Act).

(1). In sub-section (2), for the word Government the words State Election Commission shall be substituted;

(2) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) The meeting convened under this section shall be presided

over by an officer authorised by the "State Election Commission" under sub-section (2)";

(3) Sub-section (4A) shall be omitted.

3. Amendment Of Section 38 :-

In section 38 of the Principal Act,

(a). In sub-section (3), for the words "for such period as the Chairperson or the person presiding may decide" the words "for the day by the Chairperson or the person presiding" shall be substituted.

(b). Proviso shall be omitted.

4. Amendment Of Section 69 :-

In sub-section (1) of section 69 of the principal Act, or the words "State Election Commission" the words "State Election Commission or the officer authorised by it in this behalf" shall be substituted.

5. Insertion Of New Section After Section 69 :-

After section 69 of the principal Act, the following section shall be inserted, namely:-

"69 A. Review of final orders by the State Election Commission. -

(1) The State Election Commission may, either suo motu or on application, review any order passed under section 69 and pass such orders as it may deem fit.

(2) An application for review under sub-section (1) shall be submitted within fifteen days from the date of passing of the final order on which the complaint is based:

Provided that the time taken for obtaining a copy of the order against which the complaint has been filed shall be excluded for calculating the said fifteen days.

(3) Any order issued by the State Election Commission under sub-section (1) shall be published, as soon as may be after it is issued, by affixing in the notice board of the concerned Municipality and in a conspicuous place within such Municipal area and the fact of such publication shall be published in the gazette and in two local newspapers having wide circulation in the concerned Municipal area." .

6. Amendment Of Section 89 :-

In section 89 of the Principal Act, for the words "from the date of

the order till the expiry of the period of the elected council" the words "for a period of five years from the date of such order" shall be substituted.

7. Amendment Of Section 383A :-

In section 383A of the Principal Act, for the existing proviso, the following proviso shall be substituted namely:-

"Provided that the said limit of three metres shall not be applicable for the construction, subject to the Building Rules, of first floor or second floor or of both upon a building, existing as on the date of coming into force of this Act:

Provided further that, any path, bridge or similar constructions used solely for entering into any building or weather shade or sun shade forming part of the building may, subject to the Building Rules, be constructed within the said three metre limit:

Provided also that when the part of the existing building demolished for the implementation of any town planning scheme it shall be in such a way as not to adversely affect the remaining portion of the building or the new addition made and the complete responsibility regarding the safety and stability of it shall be on the owner of the building and when he makes such demolition it shall be performed at his own cost and responsibility and he shall not be eligible for any compensation for the said construction and he shall submit a consent letter for this purpose along with the application.

8. Amendment Of Section 407 :-

In sub-section (i) of section 407 of the Principal Act, for the words and figures "on or before 31 December, 1998 " the words and figures "on or before 15th October 1999 " shall be substituted.

9. Repeal And Saving :-

(1) The Kerala Municipality (Amendment Ordinance, 2000 (4 of 2000) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.