

Madras City Municipal (Amendment) Act, 1958

24 of 1958

[01 October 1958]

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Madras City Municipal (Amendment) Act, 1958

[01 October 1958]

PREAMBLE

An Act further to amend the Madras City Municipal Act, 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919 (Madras Act IV of 1919), for the purposes hereinafter appearing;

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

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1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 30th August 1958, Part IV-A, pages 284 to 285.

1. Short title :-

This Act may be called the "Madras City Municipal (Amendment) Act, 1958."

2. Amendment of section 3 and certain other provisions of Madras Act IV of 1919 :-

In the Madras City Municipal Act, 1919 (Madras Act IV of 1919) (hereinafter referred to as the principal Act),--

(1) the words "or an alderman" shall be omitted wherever they occur in the following provisions, namely:--

sections 3 (8), 29, 51 (2), 52 (2), 53 (4), 137-A and 358;

(2) the words "or alderman" shall be omitted wherever they occur in the following provisions, namely:--

sections 19, 25, 25-A, 32 (1), 34 (excluding the Explanation), 35, 53 (1) and (3), 53-A (3) and (4), 54 (1), 71, 400, 400-A and 406 and the entries relating to section 34 (1) in Schedule VII.

3. Amendment of section 3, Madras Act IV of 1919 :-

In section 3 of the principal Act, clauses (1) and (12-A) shall be

omitted.

4. Substitution of new section for section 5, Madras Act IV of 1919 :-

For section 5 of the principal Act, the following section shall be substituted, namely:--

"5. Constitution of council.--

(1) The council shall consist of--

(a) one hundred divisional councillors;

(b) ten councillors belonging to the Scheduled Castes co-opted in the prescribed manner by the divisional councillors referred to in clause (a):

Provided that where the divisional councillors aforesaid include among them members belonging to the Scheduled Castes, the number of councillors to be co-opted under this clause shall be reduced by the number of members of the Scheduled Castes so included.

(2) The council shall, by name of the Corporation of Madras be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued."

5. Amendment of section 8, Madras Act IV of 1919 :-

In section 8 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:--

"(2) The State Government may, at any time, remove the commissioner from office and shall do so if such removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of such number of councillors as shall constitute not less than three-fourths

of the sanctioned strength of the council."

6. Amendment of section 32, Madras Act IV of 1919 :-

In section 32, sub-section (4), of the principal Act, for the words "councillor; or alderman", the words "or councillor" shall be substituted.

7. Amendment of section 34, Madras Act IV of 1919 :-

In section 34 of the principal Act, in the Explanation, for the words "councillor or alderman" the words "or councillor" shall be substituted.

8. Amendment of the heading of Chapter III, Madras Act IV of 1919 :-

In the heading of Chapter III of the principal Act, the words "and aldermen" shall be omitted.

9. Amendment of the heading relating to sections 45 to 54, Madras Act IV Of 1919 :-

In the heading relating to sections 45 to 54 of the principal Act, for the words "Councillors and Aldermen", the words "and Councillors" shall be substituted.

10. Amendment of section 45, Madras Act IV of 1919 :-

In section 45 of the principal Act--

(i) in clause (a) of sub-section (1)--

(a) for the words "For the purposes of the election of the divisional councillors to fill the fifty general seats", the words "For the purposes of the election of the one hundred divisional councillors" shall be substituted;

(b) for the words "fifty territorial divisions", the words "one hundred territorial divisions" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely;--

"(2) Each of the territorial constituencies of the Madras Legislative Assembly in the city shall, subject to the provisions of clause (b) of sub-section (1) be a unit for the purposes of the municipal government of the city, and each unit shall be divided into ten divisions:

Provided that the one double-member constituency shall be considered as two units."

11. Substitution of new Section for section 46, Madras Act IV of 1919 :-

For section 46 of the principal Act, the following section shall be substituted, namely: --

"46. Number of councillors for each division.--
only one councillor shall be elected for each division."

12. Amendment of section 46-A, Madras Act IV of 1919 :-

In section 46-A of the principal Act, for the words "to any seat in that division, whether reserved or not", the words "to the seat in that division" shall be substituted.

13. Omission of section 46-B, Madras Act IV of 1919 :-

Section 46-B of the principal Act shall be omitted.

14. Amendment of section 47, Madras Act IV of 1919 :-

In section 47 of the principal Act, for Explanation (3), the following Explanation shall be substituted, namely:--

"Explanation (3)--In this section and in section 48, territorial constituency shall have the same meaning as in the law made in pursuance of the Constitution."

15. Amendment of section 48, Madras Act IV of 1919 :-

In section 48 of the principal Act--

(i) in sub-section (1)--

(a) the words "and labour" shall be omitted;

(b) for the words and figures "the Government of India Act, 1935", the words "the law made in pursuance of the Constitution" shall be substituted;

(c) for the words, "fifty divisions", the words "one hundred divisions" shall be substituted; and

(d) the words, figures and letter "and to each of the labour electorates referred to in section 46-B" shall be omitted;

(ii) in sub-section (2), for the words "fifty divisions", the words "one hundred divisions" shall be substituted;

(iii) in sub-section (3), the words, figures and letter "or for any labour electorate referred to in section 46-B" and the words "or labour electorate" shall be omitted;

(iv) in sub-section (4), the words, figures and letter "or for any labour electorate referred to in section 46-B" and the words "or by the labour electorate concerned" shall be omitted.

16. Omission of section 49, Madras Act IV of 1919 :-

Section 49 of the principal Act shall be omitted.

17. Amendment of section 51, Madras Act IV of 1919 :-

In section 51 of the principal Act--

(1) for sub-section (1), the following sub-section shall be substituted, namely:--

"(1) No person shall be qualified--

(a) to be elected as a councillor in respect of any of the one hundred divisional seats, unless his name is included in the electoral roll of any of the one hundred territorial divisions of the City;

(b) for being co-opted as a councillor under clause (b) of sub-section (1) of section 5 unless--

(i) such person is a member of the Scheduled Castes; and

(ii) his name is included in the electoral roll of any of the one hundred divisions aforesaid.";

(2) in sub-section (2), clause (i) of the first proviso and the Word "or" occurring at the end of that clause shall be omitted.

18. Amendment of section 52, Madras Act IV of 1919 :-

In section 52 of the principal Act,--

(1) the words "or for election as an alderman" wherever they occur shall be omitted;

(2) in sub-section (2), in clause (f), the word "either" shall be omitted.

19. Amendment of section 53, Madras Act IV of 1919 :-

In section 53, sub-section (1), of the principal Act, the proviso shall be omitted.

20. Amendment of section 53-A, Madras Act IV of 1919 :-

In section 53-A of the principal Act, the words "or elected an alderman" wherever they occur and the words "elected alderman" shall be omitted.

21. Amendment of section 54, Madras Act IV of 1919 :-

In section 54 of the principal Act, the words "or elected as an alderman" shall be omitted.

22. Amendment of section 55, Madras Act IV of 1919 :-

In section 55 of the principal Act, the words "and aldermen" shall be omitted.

23. Omission of sections 56-B and 56-C, Madras Act IV of 1919 :-

Sections 56-B and 56-C of the principal Act shall be omitted.

24. Substitution of new section for section 57, Madras Act IV of 1919 :-

For section 57 of the principal Act, the following section shall be substituted, namely:--

"57. Election of same person for more than one division.--

(1) If any person has been elected for two or more divisions, he shall, within three days from the date of the last of such elections, intimate to the commissioner, the division for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other divisions shall be filled by fresh elections."

25. Amendment of section 58, Madras Act IV of 1919 :-

In section 58 of the principal Act, for the words " Deputy Mayor and aldermen", the words "and Deputy Mayor" shall be substituted.

26. Amendment of section 59, Madras Act IV of 1919 :-

In section 59 of the principal Act, in clause (c) of sub-section (2), for the words "councillors or aldermen", the words "or councillors"

shall be substituted.

27. Amendment of Schedule II, Madras Act IV of 1919 :-

In Schedule II to the principal Act--

(i) for rule 1, the following rule shall be substituted, namely:--

"1. In these rules, member means a councillor.";

(ii) in rule 5, sub-rule (1), for the words "not less than twelve members", the words "such number of members as shall constitute not less than one-fifth of the sanctioned strength of the council" shall be substituted;

(iii) in rule 10 and in sub-rule (2) of rule 12, for the words "not less than thirty members", the words "such number of members as shall constitute not less than two-thirds of the sanctioned strength of the council" shall be substituted.

28. Extension of term of office of councillors and aldermen of the Corporation of Madras expiring on the 1st day of November 1958 :-

(1) Notwithstanding anything contained in this Act the State Government shall have power to direct that the term of office of the councillors and aldermen of the Corporation of Madras constituted under the principal Act which extends up to noon on the 1st day of November 1958 shall extend instead up to noon on such date as may be fixed by the State Government.

(2) The State Government, may, from time to time, advance or postpone any date fixed under sub-section (1) and fix another date instead.

(3) No date fixed under sub-section (1) or sub-section (2) shall be later than the 30th day of April 1959.

(4) The provisions of the principal Act shall have effect subject to the following modifications, namely:--

(a) The State Government shall cause elections to be held to the council so that the newly elected councillors may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected councillors shall expire at noon on the 1st day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

(c) The election of the Mayor, Deputy Mayor and members of the standing committees shall be held at the first meeting of the council held after the date referred to in clause (a), and the election of the chairman of each standing committee shall be held at the first meeting of such committee.

29. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act or of the principal Act as amended by this Act, the State Government may, as occasion may arise, by order, do anything which, appears to them necessary for the purpose of removing the difficulty.