



The Kerala Re-Enacting Act, 1958

Act 23 of 1958

Keyword(s):
Article 357(2)

Amendments appended: 33 of 1960, 8 of 1968

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ACT 23 OF 1958

THE KERELE RE-ENACTING ACT, 1958

AN

ACT

to re-enact certain enactments

Preamble.-WHEREAS the President of India had under article 356 of the Constitution, declared by Proclamation dated the 1st November, 1956, that the powers of the Legislature of the State of Kerala shall be exercisable by or under the authority of Parliament;

AND WHEREAS Parliament had under the Kerala State Legislature (Delegation of Powers) Act, 1956, conferred on the President the powers of the Legislature of the said State to make laws;

AND WHEREAS in pursuance of the said powers, the President enacted the laws mentioned in the Schedule;

AND WHEREAS the said Proclamation has ceased to operate;

AND WHEREAS under clause (2) of Article 357 of the Constitution, the laws mentioned in the Schedule will cease to have effect on the expiration of a period of one year after the said Proclamation has ceased to operate, unless sooner re-enacted by Act of the appropriate Legislature;

AND WHEREAS it is expedient to re-enact the said laws with suitable modifications;

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

1. *Short title and commencement.*-(1) This Act may be called the Kerala Re-enacting Act, 1958

(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 Acts Nos.1 and 2 of 1957 specified in the Schedule and the words "Enacted by the President in the Eighth Year of the Republic of India" occurring before the long title of each of the remaining 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.

SCHEDULE			
<i>(See section 2)</i>			
<i>Year</i>	<i>No.</i>	<i>Short title</i>	<i>Modifications</i>
(1)	(2)	(3)	(4)
1957	1	The Kerala Civil Courts Act, 1957	Before section 1, the following shall be inserted, namely:- "Preamble.-Whereas it is expedient to consolidate and amend the laws relating to civil courts in the State of Kerala, subordinate to the High Court of Kerala;

			BE it enacted as follows:-“
1957	2	The Legislative Assembly (Removal of Disqualifications) Amendment Act, 1957.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient further to amend the Legislative Assembly (removal of Disqualifications) Act, 1951, for the purpose hereinafter appearing;</p> <p>BE it enacted as follows:-</p>
1957	3	The Travancore Cochin Interpretation and General Clauses (amendment) Act, 1959.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient further to amend the Travancore Cochin Interpretation and General Clauses Act, 1125, for the purposes hereinafter appearing;</p> <p>BE it enacted as follows:-“</p>
1957	5	The Code of Criminal Procedure (Kerala Amendment) Act, 1957.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to the State of Kerala, for the purpose hereinafter appearing;</p> <p>BE it enacted as follows:-”</p>
1957	6	The Kerala Road Transport Services (Validation) Act, 1957.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is necessary to validate the running and operation of certain</p>

			<p>road transport services by the Government;</p> <p>BE it enacted as follows:-“</p>
1957	7	The Kerala Board of Revenue Act, 1957	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient to constitute a Board of Revenue for the State of Kerala and to define its powers and functions;</p> <p>BE it enacted as follows:-”</p>
1957	8	The Kerala Small Cause Courts Act, 1957.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient to consolidate and amend the law relating to courts of Small causes;</p> <p>BE it enacted as follows:-”</p>
1157	9	The Kerala Khadi and village Industries Board Act, 1957.	<p>Before section 1, the following shall be inserted, namely:-</p> <p>“Preamble.-Whereas it is expedient to provide for the organisation development and regulation of Khadi and Village industries in the State of Kerala and to constitute a Board to carry out the said objects;</p> <p>BE it enacted as follows:-”</p>

Act 33 of 1960

THE KERALA RE-ENACTING ACT, 1960^[1]

An Act to re-enact certain Acts enacted by Parliament or the President for the State of Kerala.

Preamble. — whereas the President of India had, under article 356 of the Constitution of India, declared by Proclamation dated the 31st July, 1959, that the powers of the Legislature of the State of Kerala shall be exercisable by or under the authority of Parliament;

and whereas, in pursuance of the said powers, Parliament enacted the Acts specified as items 1 to 4 (both inclusive) in the Schedule;

and whereas, Parliament had, under the Kerala State Legislature (Delegation of Powers) Act, 1959, conferred on the President the power of the Legislature of the State to make laws;

and whereas, in pursuance of the said power, the President enacted the Acts specified as items 5 and 6 in the Schedule;

and whereas the said Proclamation was revoked by the President's Proclamation dated the 22nd February, 1960;

and whereas under clause (2) of article 357 of the Constitution, the Acts aforesaid enacted by Parliament and the President will cease to have effect on the expiration of a period of one year after the said Proclamation has ceased to operate, unless sooner re-enacted by Act of the appropriate Legislature ;

and whereas it is expedient to re-enact the said Acts with suitable modifications;

Be it enacted in the Eleventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Kerala Re-enacting Act, 1960.

(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 therein.

THE SCHEDULE.

(See Section 2)

1. *The Kerala Local Authorities Laws (Amendment) Act, 1959, as amended by section 7 of the Kerala Municipal Laws (Amendment) Act, 1960 (Act 2.3 of 1960.)*

(i) *Long title.* —For the Long title, the following Long title shall be substituted, namely: —

"An Act to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to pan chayats.";

(ii) After the Long title for the portion beginning with the words "Whereas by virtue of the Proclamation" and ending with the words "Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—", substitute—

" *Preamble* .—Whereas it is expedient to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to panchayats;

Be it enacted as follows:—‘.

2. *The Kerala Appropriation Act, 1959 (39 of 1959).*—After the Long title, for "Be it enacted by Parliament in the Tenth Year of the Republic of India as follows : — , substitute—

" *Preamble* .—Whereas it is necessary to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1959-60;

Be it enacted as follows:—".

3. *The Travancore - Cochin Vehicles Taxation (Amendment and Validation) Act, 1959 (42 of 1959).*—After the Long title for "Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—", substitute—

" *Preamble* .—Whereas it is deemed necessary further to amend the Travancore-Cochin Vehicles Taxation Act, 1950, and to provide for certain other connected matters;

Be it enacted as follows:—".

4. *The Kerala Appropriation (No. 2) Act, 1959 (53 of 1959).*— After the Long title, for 'Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—', substitute—

"*Preamble* .—Whereas it is necessary to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1959-60;

Be it enacted as follows:—".

5. The Kerala Co-operative land Mortgage Banks Act, 1960 (1 of 1960).

(i) Before the Long title, omit "Enacted by the President in the Tenth Year of the Republic of India.";

(ii) After the long title, for the portion beginning with the words "In exercise of the powers" and ending with the words "In exercise of the powers" and ending with the words "the President is pleased to enact as follows: —", substitute —

" *Preamble* . — Whereas it is expedient to facilitate the working of co-operative land mortgage banks in the State of Kerala;

Be it enacted as follows: — "

6. The Kerala Warehouse Act ,1960 (2 of 1960)

(i) Before the Long title, omit "Enacted by the President in the Tenth Year of the Republic of India.";

(ii) After the Long title, for the portion beginning with words "In exercise of the powers" and ending with the words" the President is pleased to enact as follows: — "substitute —

" *Preamble* , — Whereas it is expedient to provide for the regulation and licencing of warehouses in the State of Kerala;

Be it enacted as follows: — “;

(iii) *section 39* , —After " The Government may", insert "if they are satisfied that it is necessary so to do in the public interest";

(iv) *Section 40* . —After "the Central Excises and salt Act 1944(1 of 1944)", insert "the Travancore Tobacco Act, 1087 (I of 1087)".

THE KERALA RE-ENACTING ACT, 1968^[1]

Act 8 of 1968

An Act to re-enact certain Acts enacted by the President for the State of Kerala.

Preamble.- WHEREAS it is expedient to re-enact certain Acts enacted by the President for the State of Kerala in exercise of the power of the Legislature of that State to make laws;

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

- 1) *Short title.*-This Act may be called the Kerala Re-enacting Act, 1968.
- 2) *Re-enactment of certain Acts.*-The Acts mentioned in the First Schedule are hereby re-enacted with the modification specified therein.
- 3) *Repeals.*-The Acts mentioned in the Second Schedule are hereby repealed.

THE FIRST SCHEDULE

(See section 2)

THE KERALA ABKARI LAWS (AMENDMENT AND VALIDATION) ACT, 1964

(1 of 1964)

Omit “Enacted by the President in the Fifteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-“, substitute—

“*Preamble.*-WHEREAS it is expedient further to amend the Cochin Abkari Act, I of 1077, and the Abkari Act (Travancore Act IV of 1073), and to validate the levy and collection of duty on liquor and intoxicating drugs made under the said Acts;

BE it enacted as follows:-“

THE KERALA REVENUE RECOVERY LAWS (AMENDMENT) ACT, 1964

(2 of 1964)

Omit “Enacted by the President in the Fifteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-“, substitute—

“*Preamble.*-WHEREAS it is expedient to amend the Madras Revenue Recovery Act, 1864, as in force in the Malabar area of the State of Kerala and the Travancore-Cochin Revenue Recovery Act, 1951;

BE it enacted as follows:-“

THE KERALA STATE LEGISLATURE (CONTINUANCE OF THE USE OF
ENGLISH LANGUAGE) ACT, 1965

(1 of 1965)

Omit “Enacted by the President in the Fifteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-“, substitute—

“*Preamble.*-WHEREAS it is expedient to provide for the continued use of the English language for transaction of business in the Legislature of the State of Kerala;

BE it enacted as follows:-“

THE KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965

(2 of 1965)

As amended by Act 7 of 1966

Omit “Enacted by the President in the Sixteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-“ substitute-

“*Preamble.*-WHEREAS it is expedient to regulate the leasing of buildings and to control the rent of such buildings in the State of Kerala;

BE it enacted as follows:-”

Section 31.-For sub-section (6), substitute-

“(6) Every rule made under this Act and every notification issued under section 25 shall be laid as soon as may be after it is made or issued before the Legislative Assembly for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the

session immediately following, the Legislative Assembly makes any modification in the rule or notification or decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”

THE KERALA ELECTRICITY DUTY (VALIDATION) ACT, 1965

(3 of 1965)

Omit “Enacted by the President in the Sixteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“*Preamble.*-WHEREAS it is expedient to validate the levy and collection of duty on sales of electrical energy under the Travancore-Cochin Electricity Duty Act, 1950;

BE it enacted as follows:-”

THE KERALA SALESTAX (LEVY AND VALIDATION) ACT, 1965

(4 of 1965)

Omit “Enacted by the President in the Sixteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“*Preamble.*-WHEREAS it is expedient to provide for the levy of a tax on the purchase of copra and cashewnut kernel and to validate the levy and collection of such tax;

BE it enacted as follows:-“

THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT)
ACT, 1965

(5 of 1965)

Omit “Enacted by the President in the Sixteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

*“Preamble.—*WHEREAS it is expedient further to amend the Kerala Khadi and Village Industries Board Act, 1957, for the purposes hereinafter appearing;

BE it enacted as follows:-”

THE KERALA HINDU PLACES OF PUBLIC WORSHIP (AUTHORISATION OF ENTRY) ACT, 1965

(7 of 1965)

Omit “Enacted by the President in the Sixteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

*“Preamble.-*WHEREAS it is expedient to make better provisions for the entry of all classes and sections of Hindus into places of public worship;

BE it enacted as follows:-”

THE KERALA SURCHARGE ON TAXES (AMENDMENT AND VALIDATION) ACT, 1966

(2 of 1966)

Omit “Enacted by the President in the Seventh Year of the Republic of India.”

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

*“Preamble.-*WHEREAS it is expedient further to amend the Kerala Surcharge on Taxes Act, 1957 and to validate the levy and collection of surcharge on profession tax in certain cases;

BE it enacted as follows:-”

THE KERALA UNIVERSITY (AMENDMENT) ACT, 1966

(3 of 1966)

As amended by Acts 11 of 1966 and 2 of 1967

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the Powers” and ending with “the President is pleased to enact as follows:-”, substitute—

“Preamble.-WHEREAS it is expedient to amend the Kerala University Act, 1957, for the purposes hereinafter appearing;

BE it enacted as follows:-“

THE KERALA LAND ACQUISITION (AMENDMENT) ACT, 1966

(4 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

“Preamble.-WHEREAS it is expedient to amend the Kerala Land Acquisition Act, 1961, for the purposes hereinafter appearing;

BE it enacted as follows:-”

THE PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT)
AMENDMENT ACT, 1966

(5 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

“Preamble.-WHEREAS it is expedient to amend the Pattazhi Devaswom Lands (Vesting and Enfranchisement) Act, 1961, for the purposes hereinafter appearing;

BE it enacted as follows:-”.

THE KERALA HIGH COURT (AMENDMENT) ACT, 1966

(6 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

“Preamble.—WHEREAS it is expedient to amend the Kerala High Court Act, 1958, for the purposes hereinafter appearing;

BE it enacted as follows:-”.

THE KERALA BUILDINGS (LEASE AND RENT CONTROL)

AMENDMENT ACT, 1966

(7 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute—

“*Preamble.*-WHEREAS it is expedient to amend the Kerala Buildings (Lease and Rent Control) Act, 1965, for the purposes hereinafter appearing;

BE it enacted as follows:--”.

Section 1.-Omit sub-section (2).

Omit sections 2 to 9 (both inclusive).

THE KERALA COURT FEES AND SUITS VALUATION

(AMENDMENT) ACT, 1966

(8 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“*Preamble.*- WHEREAS it is expedient to amend the Kerala Court Fees and Suits Valuation Act, 1959, for the purposes hereinafter appearing;

BE it enacted as follows:-”.

THE KERALA PREVENTION OF EVICTION ACT, 1966

(12 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient to provide for the prevention of eviction of cultivating tenants, holders of kudiyiruppus and kudikidappukars from their holdings, kudiyiruppus for kudikidappus, as the case may be, in the State of Kerala and for the restoration in certain cases of the possession thereof and for matters connected therewith;

BE it enacted as follows:-”.

Section 5.- In sub-section (4), in clause (b), omit “or” at the end.

THE KERALA LAND RELINQUISHMENT (AMENDMENT) ACT, 1966

(13 of 1966)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient further to amend the Kerala land Relinquishment Act, 1958, for the purposes hereinafter appearing;

BE it enacted as follows:-”.

THE KERALA ESSENTIAL ARTICLES CONTROL (TEMPORARY POWERS)
CONTINUANCE ACT, 1967

(1 of 1967)

Omit “Enacted by the President in the Seventeenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient to continue the Kerala Essential Articles Control (Temporary Powers) Act, 1961, for a further period;

BE it enacted as follows:-”.

THE KERALA COURT OF WARDS ACT, 1967

(3 of 1967)

Omit “Enacted by the President in the Eighteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers” and ending with ”the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient to consolidate and amend the law relating to court of wards in the State of Kerala;

BE it enacted as follows:-”.

THE KERALA PREVENTION AND CONTROL OF
ANIMAL DISEASES ACT, 1967

(4 of 1967)

Omit “Enacted by the President in the Eighteenth Year of the Republic of India.”

For the paragraph beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient to consolidate and amend the law relating to the prevention and control of diseases affecting animals in the State of Kerala;

BE it enacted as follows;-”.

THE KERALA GENERAL SALES TAX (AMENDMENT) ACT, 1967

(5 of 1967)

Omit “Enacted by the President in the Eighteenth Year of the Republic of India”.

For the paragraph beginning with “In exercise of the powers”, and ending with “the President is pleased to enact as follows:-”, substitute-

“Preamble.- WHEREAS it is expedient further to amend the Kerala General Salestax Act, 1963, for the purposes hereinafter appearing;

BE it enacted as follows:-”.

THE SECOND SCHEDULE.

(See section 3)

- 1) The Madras Preservation of Private Forests (Amendment) Act, 1965 (6 of 1965)
- 2) The Kerala Re-enacting Act, 1966 (1 of 1966)
- 3) The Kerala University (Amendment) Amendment Act, 1966 (11 of 1966)
- 4) The Kerala University (Amendment) Amendment Act, 1967 (2 of 1967)