

No. N-17/KR/10/75

Dated the 9th March, 1976

Subject : Clarification as to whether panchayat with a population of 20,000 or more its a 'Municipal Area' as defined in Section 3 of the National Highway Act, 1956

The question, whether the Panchayat with a population of 20,000 or more is to be treated as a "Municipal Areas" for the purpose of Section 3 of the National Highway Act 1956 was referred to the Ministry of Law for their advice. In this connection a copy of that Ministry's U.O. No. 10739/70-ADV-(A), dt. the 20th February, 1976 is circulated herewith for general information and guidance.

To

- (i) All Technical Officers in the Roads Wing including Regional Officers/Engineer Liaison Officers.
- (ii) Under Secretary (NH) A/Under Secretary (NH) B/Under Secretary (Budget).
- (iii) All Sections.

*NOTES IN THE MINISTRY OF LAW
(DEPARTMENT OF LEGAL AFFAIRS)
ADVICE (A) SECTION*

Section 3 of the National Highway Act, 1956 clearly shows that in order to come within the definition of the said provision three conditons are to be fulfilled :—

- (i) that it should be a municipal area;
- (ii) that it should have a population of 20,000 or more; and;
- (iii) that its control and mangement should have been entrusted to a Municipal Committee or a town area committee or any other authority.

As rightly pointed out in the note dated the 10th October, 1975 at page 7 ante the dictionary meaning of the word 'Municipal' is that which pertains to a city or town. Therefore, 'Municipal Area' as mentioned in (1) above or as used in Section 3 of the National Highway Act, 1956 will exclude any village area or rural area.

The preamble of the Kerala Panchayat Act, 1960 the relevant portion of which is placed at page 20-20 C, clearly shows that the said Act is intended for proper administration of "Village Officers through Panchayats by Organising them as units of Local self Government at village level in the State"

Section 2 of the said Act excludes the application of the Act to the "Areas which are within the limits of the Cantonments, Municipalities and the Municipal Corporations of the State of Kerala " In other words the areas covered by the Panchayat are not municipal area.

On the same reasoning the Panchayat areas are not municipal areas for the purpose of section 3 of the National Highway Act 1956.

Besides the above, the expansion "Any other authority" used in the above mentioned provision will take the sense from the preceding words applying the ejusdem generis rule of interpretation. Hence it may include any authority having the control or management of any Town or urban area and not rural or village area. Panchayat being in a village area will not come within the expression "any other authority"

The term "Panchayat" in the context of the Kerala Panchayat Act, 1960 really means village Panchayat as would be clear from the obvious provision of the Act.

In view of the position stated above, we are of opinion that a panchayat will not be treated as Municipal area for the purpose of National Highway Act 1956 only because it has a population of 20,000 or more.

The reference is answered accordingly.